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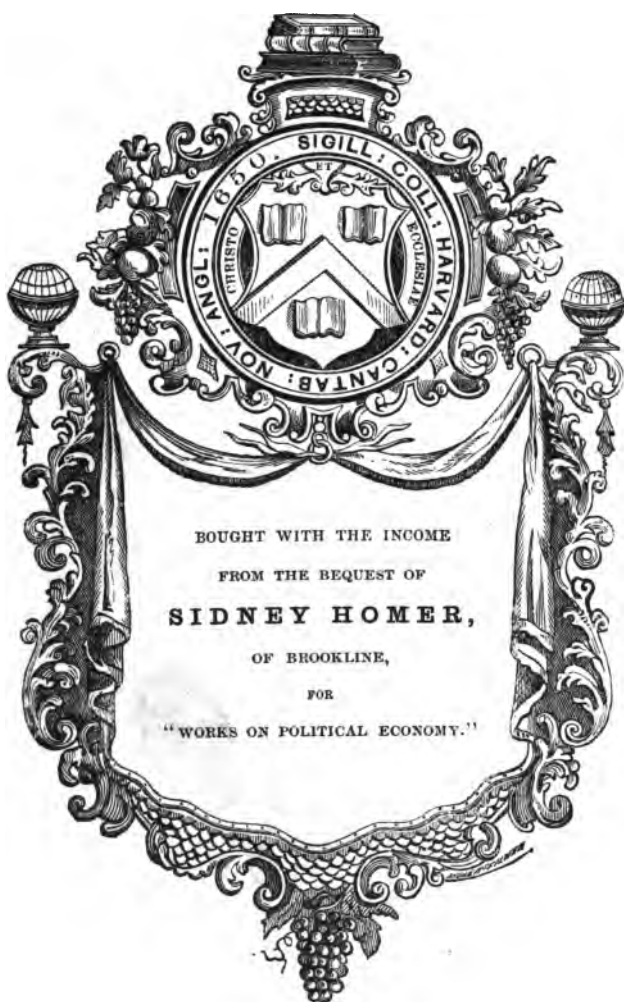
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LOCAL GOVERNMENT AND
LOCAL TAXATION
IN
ENGLAND AND WALES

WRIGHT & HOBHOUSE

SECOND EDITION

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November, 1896.

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AN OUTLINE
OF
LOCAL GOVERNMENT AND
LOCAL TAXATION
IN
ENGLAND AND WALES.
1894.

6

AN OUTLINE
OF
LOCAL GOVERNMENT AND
LOCAL TAXATION

IN
ENGLAND AND WALES
(EXCLUDING LONDON),

Robert. Samuel BY
R. S. WRIGHT,
AND
HENRY HOBHOUSE,
BARRISTERS-AT-LAW.

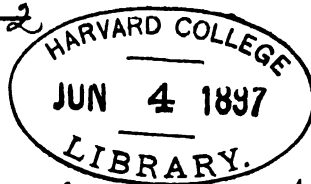
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WITH INTRODUCTION, AND TABLES OF LOCAL TAXATION,

BY
HENRY HOBHOUSE, M.P.,
AND
E. L. FANSHAWE,
OF THE INNER TEMPLE, BARRISTER-AT-LAW.

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PREFACE.

THE First Edition of this Work, brought out by Mr. Hobhouse in 1884, was mainly based on two elaborate memoranda on Local Government written by Mr. R. S. Wright (now Mr. Justice Wright) for Messrs. W. Rathbone and S. Whitbread, and privately circulated in the year 1877.

A new Edition being now required, it has been found necessary, in view of the great changes effected by the recent Local Government Acts, to largely recast the work. Certain Chapters, *e.g.*, those on "The Parish" and "The County," have been rewritten, and new Chapters have been added on "The Rural District," "Parish Property, Rights of Way, and Open Spaces," "Allotments and Small Holdings," and "Workmen's Dwellings."

The Part formerly entitled "Considerations with a view to amendment of Local Government" has been omitted, such portions as are still of value being reproduced in the following Introduction. The Tables on Local Taxation have been carefully revised and brought down to the latest date of which the returns permit.

H. H.

E. L. F.

November, 1894.

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INTRODUCTION.

IN a previous edition of this work, issued before the passing of the recent Local Government Acts, it was remarked that “Legislation for local affairs has proceeded by piecemeal, creating special districts and authorities for special purposes, instead of establishing units for general purposes of local government with one consolidated authority in each unit.” *Previous legislation.*

The result of such legislation was shown to be that an inhabitant of a borough or local board district lived in a four-fold area for the particular purposes of local government, and was ordinarily governed and taxed by a six-fold authority, and might be subject to four or five different rates and as many separate debts incurred by different local bodies. The same was in general true of the inhabitant of a rural parish, while both in town and country there were a multitude of minor matters in respect of which the districts, authorities and rates might be additionally multiplied and complicated in all the above cases.

The main objects of the two Local Government Acts of 1888 and 1894 were, first, to popularize our local institutions, and, secondly, to reduce to something like order this chaos of overlapping areas and conflicting authorities. *Objects of the recent Local Government Acts.*

With the first of these two objects, which has been fully attained, we need not here deal at length. The substitution of the county councils for the county magistrates has already done much to increase the vigour and extend the sphere of local

administration. It is to be hoped that the drastic reforms now effected in the constitution of the boards of guardians and vestries will similarly stimulate popular interest and encourage beneficial reforms in our district and parish government without deterring useful men of any class from taking their part in local affairs.

But with regard to the second aim of the authors of the recent Acts, we may very well enquire to what extent they have succeeded in introducing simplicity and system into the former complication and chaos.

*Counties
and county
boroughs.*

Taking first the larger areas, we find that the whole of England and Wales is now divided into 125 administrative counties or county boroughs, differing widely in area and population, but each governed by a county (or county borough) council, supreme within its own sphere and both administratively and financially independent of its neighbours, while invested with power to combine with them for common action in matters of common interest. The new county of London has been definitely evolved from a heterogeneous mass of districts, parishes and places in Middlesex, Surrey and Kent, previously known for certain special purposes as "the Metropolis." Many towns and sanitary districts formerly overlapping two or even three counties are now assigned to one for all purposes. With the exception of the poor law unions, there will in a short time be few, if any, minor areas overlapping the county boundary. Within each administrative county every district (urban or rural) is equally represented on the council and assessed to the county rate. The municipal boroughs and other urban districts have, however, as compared with the rural districts, the benefit of certain exemptions and privileges.

Two serious imperfections still detract from the efficiency of

our county system. The absolute autonomy of a large number of comparatively small boroughs (those with a population between 50,000 and 100,000) inflicts a double injury. It withdraws capable administrators from the government of the larger county, and by multiplying the number and diminishing the strength of county councils, raises great obstacles to any general devolution to them of the powers of the Central Departments.

Secondly, no adequate attempt has hitherto been made (except by special Acts for certain large towns) to make the poor law unions conterminous with county boundaries. On the contrary, it would seem to have been the policy of recent legislation to keep poor law administration as far as possible distinct from municipal government, and closely under the control of the Whitehall officials. It is true that the county rate is levied by precept on the guardians, and that a large part of the cost of the workhouses, as well as of pauper lunatics, is now defrayed out of the Exchequer Contribution Account of each county. But in these matters the functions of the guardians and county councils are purely ministerial, the county rate being levied with the poor rate as a matter of administrative convenience, and the payments for poor law officers being all made under statutory provisions, and often on the certificate of the Local Government Board. No scheme for concentrating the administration of indoor relief within county areas has yet been adopted, though it has obvious economical advantages in view of the diminishing number of indoor paupers in many districts. Nor has any attempt been made to bring the assessment committees of the unions into closer relation with the county rate committees, and thus to secure a uniform mode of assessment for all local rates and taxes. On the other hand, the county councils have now the power to fix the number and alter the distribution and mode of

*Relations of
county and
poor law
union.*

retirement of guardians, though in the numerous cases of overlapping unions this power is necessarily given to joint committees of the councils. Generally speaking, however, the poor law unions still fall outside the system of county administration.

*Urban and
rural
districts.*

Each administrative county is now divided into county districts, rural or urban, corresponding mainly with the districts of the former sanitary authorities, now reconstituted on a uniform basis as urban and rural district councils. These authorities will, in addition to their sanitary powers, all be clothed in the course of a few years with the powers of the former highway boards and parish surveyors, who will cease to exist from a date fixed by the county councils. The urban councils will also in most cases absorb the powers of the burial boards, and in some places the non-ecclesiastical powers of the parish vestries. Although the district councils as such have no poor law duties, yet in rural districts the same persons will be both guardians and district councillors, so that in a purely rural union within one county the two authorities as well as the areas will practically coincide. Moreover, the appointment of school attendance committees will before long be transferred from the guardians to each district council.* It is difficult to see how more uniformity and concentration can be introduced into district government without breaking up the present poor law unions and transferring the control of indoor relief to the county, and of outdoor relief to the district council.

*Relations of
district and
county.*

The relations of the county councils to the district authorities are somewhat defective, both in uniformity and in principle. The latter may act as agents or delegates of the former for any matter affecting their district. The two authorities may con-

* Since this was written, the Bill introduced by the Government for transferring these appointments has been withdrawn.

tract for the maintenance of main roads, and make an agreement to share the cost of improving other highways and bridges. While the urban councils may, and in practice do, claim to maintain their own main roads, the county contributing an undefined proportion towards the cost, the county councils have full control in rural districts, and can either maintain the main roads themselves, or require the rural councils to maintain them on terms to be fixed by agreement or arbitration. Moreover, they have the power, on complaint being made, to order any district authority to repair an ordinary highway, subject to questions of liability being settled by a jury.

Passing to sanitary matters, the county councils are required to pay half the salaries of the district medical officers of health and inspectors of nuisances, and can withhold a medical officer's salary if he does not send them his annual report. They have, further, the duty of considering such reports and making representations to the Local Government Board thereon, as well as considering the reports of the district authorities as to workmen's dwellings. In certain important matters, *e.g.* the pollution of rivers and the erection of isolation hospitals, the county and district authorities have concurrent powers of action. The county council may, but is not obliged, to appoint a county medical officer of health, and hitherto this appointment has been but rarely made. Now, however, that the parish councils and parish meetings have a general right of appeal to the county councils against the rural district councils on any default in sanitary matters, it will be almost necessary to appoint in each county a competent medical officer of health. A somewhat similar appeal from the parishes lies to the county council under the Allotment Acts, both in rural and urban districts. Again, the proposals for the alteration of districts (not being boroughs),

including the creation of an urban district out of a rural area, are made to and investigated, in the first instance, by the county council; but their orders have to be confirmed by the Local Government Board, unless they merely relate to minor matters, such as the division of a district into wards or fixing the number of councillors. Thus, on a general review, it will be seen that the county councils have a large, but not a universal or unlimited, control over district councils, and that their powers in rural districts are considerably larger than in urban districts. Considering the numerous questions that must arise between the county and district authorities, it is unfortunate that the legislature should have refused to adopt any proposal for securing members common to the two bodies, and thus diminishing the risk of misunderstanding and friction between them.

Parishes.

In addition to the county and district, Parliament has now decided that there shall be a third series of authorities permanently established throughout the rural poor law parishes for what may be called the minor purposes of local government. The 13,000 parish meetings and 7,000 parish councils will form a very large addition to the number of our local bodies. Care has, however, been taken to avoid further complications by bringing each parish within the same county and district, and by investing the new parish authorities with the charge of all parochial matters (except elementary education) which are not of an ecclesiastical character. The school board still stands apart from the ordinary municipal government, but the burial board, lighting commissioners, library committee, &c. are absorbed in the parish council.

*Relations of
parish and
district.*

While great improvements are thus effected within the area of each parish, the relations of the parish and district councils are as anomalous and defective as those of the district and

county councils. The rural district council may delegate any of its sanitary powers, but not its highway powers, to the parish council. In certain minor sanitary matters (*e.g.* the removal of nuisances and the utilization of water supply) the powers of the two authorities are concurrent. The parish council may hire land for allotments, but can only purchase allotments through the district council, or (if compulsion is necessary, and the district council refuses to act, or the land is required for other purposes than allotments) through the county council. It is to the county council also that the parish council must apply for consent to a loan, and the parish meeting for the establishment of a council or the grant of additional powers. Again, as has been already mentioned, in case of the district council making default in sanitary or highway matters, the parish council can apply to the county council to remedy the default. Thus, so far from the district council having efficient powers of control over the parish councils, it would be more correct to say that the smaller authority controlled the larger. Owing to this anomalous relation and the refusal of Parliament to create common links by *ex-officio* members or indirect election, we may anticipate considerable friction between the two bodies.

If the mutual relations of the various classes of local authorities are anomalous, their position with regard to the Central Government is still more remarkable. Very little has been done to devolve any central powers upon local bodies, the provisions of the Act of 1888 for transferring such powers having hitherto proved a dead letter. On the other hand, the work of the Local Government Board has been enormously increased by their determination to bring themselves into almost as close relations with the smallest as with the largest local authorities. Thus, instead of the control of the 13,000 parish authorities being

*The Central
Government
and the local
bodies.*

entrusted to the county council, the Whitehall Board have to audit all the parish accounts and to give their consent, not only to every parish loan and the sale and exchange of parish property, but also to every letting of such property for more than one year. Even details, such as the use of the parish school-room for meetings, are to be decided, not by any local authority, but by a Central Department. Every order of the county council altering a parish or creating an urban district, must be confirmed by the Local Government Board; and, if urban powers be required in rural districts or single parishes, they can only be conferred by order of the Department. Moreover, the urban district councils, however small their districts, are in sanitary matters directly under the control of the Central Department, and not of the county council. Again, the county accounts are subject to a strict audit and surcharge by Government officials, while the smallest borough in the county can elect its own auditors, and in this way practically control its own expenditure. Speaking generally, the control of local bodies by the Central Department is needlessly meddlesome and minute in some directions, and very imperfect in others. This constant interference causes difficulties and delays in the ordinary administrative machinery, and a dissipation of powers that should be held in reserve to check abuses and decide vital questions. Were the local bodies stronger and more inter-dependent, the Central Government would be at once less overwhelmed with details and more free to exercise control in cases of emergency and importance.

Local taxation and finance.

Passing from local government to local taxation, we find that comparatively little improvement has been effected by recent legislation. No attempt has been made to consolidate rates or to limit the aggregate debt of any locality. The division of

rates between owner and occupier has hitherto been successfully resisted. The number of rating authorities has not been materially reduced ; while the creation of new popular bodies directly responsive to the demands for sanitary and other improvements, and controlled in many cases by the vote of the compound householder, will undoubtedly tend to increase the burden of local rates and debts. The large subsidies from the Imperial Exchequer which were given in 1888 and 1890 towards the relief of local taxation have been already largely absorbed by the expenditure on main roads, lunatic asylums, sanitary reforms, technical education, police, election expenditure and other new or increasing burdens thrown on the new county authorities. Any balance of advantage that remains will be more than outweighed by the inevitable rise in the poor rates which will follow any energetic action of the new parish and district authorities. On the other hand, in creating the new bodies some steps have been taken to safeguard the ratepayers against extravagance. The Exchequer grants are no longer based on the actual expenditure in the particular localities for the previous year. The accounts of county councils, unlike those of borough councils, are subject to strict audit by the officers of the Local Government Board. These councils have large powers of issuing loans by either stock or mortgage of rates, and of lending to parish authorities, but are subject in every case to the control of the Local Government Board ; and, in addition to the consent of that Board being required to all loans, no council may borrow an amount exceeding one-tenth the annual rateable value of the county without the sanction of Parliament. Moreover, the finance committees of county councils have the duty cast upon them of submitting an annual estimate and recommending every new item of expenditure, a provision which ought to ensure

careful consideration of the whole field of county finance by a competent body.

The rating and borrowing powers of the new parish bodies are limited in various ways. A parish council may not contract a loan without the consent of the parish meeting, of the county council and of the Local Government Board ; and the total debt of a parish council is not to exceed one-half the assessable value of the parish. No expense may be incurred involving a rate of more than 3*d.* in the £ without the consent of the parish meeting ; and the total annual rates of a parish council or meeting are limited to 6*d.* in the £, with the addition in the case of a council of expenses under the adoptive Acts. While these rates are to be levied together with the poor rates, they are to be distinguished from other rates in each demand note. Despite these limitations, it still remains the fact that an inhabitant of a rural parish may have to pay rates made by, or under precept from, four or five independent authorities (the county council, the guardians, the district council, the parish council and the school board), and may be subject to a number of separate debts charged on the different areas that happen to include his property, the aggregate amount of such debts being unlimited.

*General
review.*

To sum up our review of the new system ;—while in many respects an improvement on the former chaos, it is far from being ideally simple or perfect in its character. Though much has been done to prevent the overlapping of areas and to secure uniformity of franchise, and something to concentrate powers in the same areas, yet there still remain a multiplicity of local authorities, in some cases practically independent of, in others only imperfectly subordinated to, each other, invested with separate rating powers, all directly and independently elected, and not linked together by any common members. The diffu-

sion of power between these numerous bodies with their constantly recurring elections, the frequent appeals from one authority to another, the direct control of the Central Department over the smallest of them in comparatively trifling details, the great complication of the laws under which they work, and the anomalies and distinctions which only experts can be expected to master, fail to promise us such a strongly-manned, smoothly-working system of local government as reformers have hoped to see established. If, notwithstanding so many anomalies and difficulties, our local institutions work satisfactorily in the future as they have on the whole done in the past, it will be due to the administrative talent and public spirit of our people rather than to the systematic or simple character of the institutions themselves.

EXPLANATORY NOTE TO MARGINAL REFERENCES.

THE numerous Statutes referred to in the marginal notes to the following Chapters are (to save space) quoted by their year only. The Session corresponding to each year will be found in the Index at p. 131. Where no chapter is given in the marginal note, the reference is to the last cited Act of the year named.

LOCAL GOVERNMENT.

[NOTE.—Throughout this Work, the Administrative County of London must be understood to be excluded unless it is expressly mentioned.]

PART I.

UNITS OF LOCAL GOVERNMENT.

CHAPTER I.

THE PARISH.

- (1) *Area of "Parish."*
- (2) *Organization.*
- (3) *Purposes and Expenses of Parish Organization.*

"PARISH," for most purposes of Local Government, now means the *poor-law* parish, *i.e.* a place for which a separate poor-rate is or can be made, or for which a separate overseer is or can be appointed. The parish in this sense is often only a part of the *ancient civil* parish, especially in the northern counties, where separate overseers were often appointed for each of the several townships included in the extensive parishes common in those counties (*a*) (*b*). The poor-law parish differs also in most cases from the *ecclesiastical* parish, which was originally identical with the ancient civil parish, but has now, by successive divisions and amalgamations, usually ceased to be conterminous with it. This change is principally due to the operation of the Church Building and New Parishes Acts, under which particular districts have become parishes for ecclesiastical purposes (*c*), and of the Divided Parishes Acts, under which detached portions were amalgamated with other parishes for civil but not for ecclesiastical purposes (*d*).

Every part of England, including the bed of tidal rivers and the sea-shore to low water-mark, is now (with some insignificant exceptions) comprised in some poor-law parish. The number of such parishes is about 15,000, out of which about 5,000 are townships or other fractions of ancient civil parishes (*e*).

Parishes are very unequal in extent and population. About 2,000 have a population of less than 100; between 6,000 and 7,000 have

less than 300 ; and about 5,000 have between 300 and 1,000. On the other hand 17 have a population of over 100,000.

1888, c. 41,
s. 57.

1867, c. 106,
s. 3.
1882, c. 58,
s. 11.

Parishes may now be united, divided, or altered by orders of the county council of the administrative county, confirmed by the Local Government Board and laid before Parliament. That Board has itself somewhat similar powers of dividing and altering parishes, but these powers (except in cases of detached portions) can only be exercised by Provisional Order made on the application of one-tenth in value of the owners and ratepayers of the parish.

The boundaries of parishes never cut the boundaries of poor-law unions, which are merely aggregations of parishes, and under the operation of the Local Government Act, 1894, they can no longer cut those of counties, and but rarely those of county districts (*f*).

(2) ORGANIZA-
TION.
1893-4, c. 73.

The organization of a parish for civil purposes varies, from December, 1894, according as it is a *rural* parish, *i.e.*, within a rural district, or an *urban* parish, *i.e.*, within a borough or other urban district.

Parish meeting.

In a rural parish it ordinarily consists of an assembly called a "parish meeting," an executive body called a "parish council," and of certain officers. A parish meeting consists of all the "parochial electors," *i.e.*, the persons on the parliamentary and local government registers in force at the time, whether as owners, occupiers (male or female, married or single), lodgers, or service voters. The meeting chooses its own chairman, each elector has one vote, and every question is in the first instance decided by the majority of those present and voting. But a minority of not less than five persons or one-third of those present, or in most cases a single elector, may claim a poll of all the electors in the parish to be taken by ballot. The annual parish meeting is to be held on the 25th of March, or within seven days before or after, and must not begin earlier than 6 p.m. In parishes with no parish council there must be at least two parish meetings a year (*g*).

Parish Council.

A parish council must be elected in every rural parish with a population of 300 or upwards, and may be elected by order of the county council in any rural parish. In the case of a rural parish with a population of 100 or upwards it is bound to make such an order, if the parish meeting so resolves. Two or more neighbouring parishes, however, (whatever their population,) may be grouped under a common parish council by order of the county council with consent of the parish meeting of each parish. A parish council is elected by the parochial electors at the annual parish meeting, or at a subsequent poll taken by ballot. Large parishes may be divided by the county council into wards for the separate election of councillors. Parochial electors and any residents in the parish or within three miles of the parish (including single

or married women) are qualified to be elected. The number of the councillors, varying from five to fifteen, is fixed by the county council. The parish council holds office for one year, from the 15th of April, and is to meet at least four times in the year; and its first duty is to elect as chairman either one of its own number or some other person who is qualified to be a parish councillor. It is a body corporate, and may hold land in mortmain; and it may appoint committees, consisting either wholly or partly of its own members, for the transaction of any business committed to them, subject to the approval of the council itself. Two or more parish councils may also appoint a joint committee for any purpose in which they are jointly interested.

In small rural parishes where there is no council, parish property is to be held by the chairman and overseers as a body corporate, and a committee of the parish meeting may be at any time appointed to act in any special matters subject to the approval of the meeting.

An urban parish has no parish council, but any powers and duties of a parish council may be vested in the urban district council or other representative body by an order of the Local Government Board. Where no such order has been made, the old vestry still remains the governing body for nominating the overseers (who are then appointed by the justices), and for certain other civil as well as for ecclesiastical purposes.

Except as above, the old parish vestry (common or select) is now only concerned with the election of churchwardens, the making of voluntary church rates, and other ecclesiastical matters (*h*).

The principal civil officers of a rural parish are the chairman of the parish council or parish meeting, and the "overseers of the poor." Overseers.
1601, c. 2.
1744, c. 38,
s. 15.
1819, c. 12.
1866, c. 113.
1893-4, c. 73,
ss. 5, 19, 50. The overseers are appointed annually in April by the parish council, or, where there is no council, by the annual parish meeting. Under the Poor Law Act of 1601 their number was to be from two to four, and the churchwardens were associated with them; but the Act of 1894, which divests the churchwardens in rural parishes of their civil duties, provides that two additional overseers may be appointed in their stead. In small parishes, however, there need only be one overseer. In cases of omission to appoint, the guardians of the union are to fill the vacancy. An overseer should be a substantial householder (male or female) of the parish; but where there is no fit inhabitant in the parish, an inhabitant householder of an adjoining parish may be appointed, with his consent. The office is unpaid and is compulsory, subject to appeal, and to various exemptions and disqualifications. The overseers have other duties besides those connected with the relief of the poor, *e.g.*, making out lists of jurors and electors (*i*).

Assistant overseers, &c.
1819, c. 12, s. 7.
1844, c. 101,
ss. 61, 62.
1866, c. 113.

A parish council may appoint one or more salaried assistant overseers to perform all or any of the duties of overseers. The same person cannot be overseer and assistant. There is no general power for parishes to appoint collectors of rates. But under the Act of 1844 they may, by order of the Local Government Board, be appointed by the guardians of a union for any parish or parishes in the union. Where the guardians have appointed a collector, the parish council cannot appoint an assistant overseer, but may invest the collector with any of the duties of overseers. Assistant overseers and rate collectors must obey the directions of the majority of the overseers, and the overseers are not exempt from any responsibility by reason of the appointment of an assistant or collector.

1893-4, s. 17.

In a rural parish the parish council may appoint a clerk, who may be either a councillor unpaid, or the assistant overseer, rate collector or other fit person, with remuneration. A councillor or other person may be appointed treasurer without remuneration, and is to give security. The clerk or chairman of the parish council is, as a rule, to take charge of all civil parish documents, the ecclesiastical documents remaining in the hands of the incumbent.

Vestry clerk.
1850, c. 57.

1834, c. 76, s. 48.

In an urban parish with more than 2,000 population a salaried vestry clerk may be elected by the vestry under an order of the Local Government Board. His duty is ordinarily to perform or assist in performing the functions of the churchwardens and overseers. The Local Government Board has also a general power to remove paid parish officers employed in relation to poor relief (*j*).

(3) PURPOSES
AND EXPENSES
OF PARISH
ORGANIZATION.
1893-4, c. 73.

The purposes of parish organization, which were much diminished by the Poor Law Amendment, Highway District, and Public Health Acts, have been greatly extended by the recent Local Government Act. They now include the management of all civil parish property, including village greens, recreation grounds, and allotments; the provision of parochial buildings for offices and meetings (*k*), of recreation grounds and public walks, and of parish chests, books, fire-escapes, etc.; the utilization of existing sources of water-supply, and the removal of petty nuisances; the acquirement by agreement of, and the consent to stopping of, rights of way, and the acceptance of gifts of property for the benefit of the inhabitants; the appointment of certain trustees of parochial charities, and the audit of such charity accounts; the hiring of land for allotments, and the right of applying to the county council for the compulsory taking of land either by hire or purchase. These powers are ordinarily vested in the parish council, subject in certain cases to the control of the parish meeting. But in a rural parish where there is no parish council they may be exercised, either with or without an order

of the county council, by the parish meeting. In an urban parish any of these powers may be vested in the urban district council or other representative body by an order of the Local Government Board.

Certain "adoptive Acts," *i.e.*, those for lighting, and for establishing public baths and wash-houses, burial grounds, recreation grounds, public libraries, museums, and schools of science and art, may be adopted by the parish meeting of any rural parish for the whole or (in some cases) for part of the parish, and when adopted are to be carried out by the parish council (see pp. 64-65, 71, 95, 96). 1893-4, ss. 7, 53.

A parish council or meeting has also a right of complaint to the district or county council in case of unhealthy dwellings, defective sewers or water-supply, or the neglect of the district council to enforce in any other respect the sanitary laws, or to repair roads in a parish. A parish council or parochial committee may be empowered to carry out any of the provisions of the Public Health Acts by delegation from the rural district council. In many counties the system of road management continued under the Highway Acts to be to a large extent parochial, but the Local Government Act of 1894 provided for the speedy extinction of this system. (See Ch. IX.) ss. 6 (2), 13.

The parish council and meeting have no educational powers, but in many parishes the Elementary Education Acts are administered by parochial school boards (see Ch. XVII.). In addition to its organization for the above purposes the parish must be regarded as forming a constituent unit of the union and county district, and as a district for the assessment and collection of rates, and for the preparation of jury lists and lists of parliamentary and local government electors.

The parish rate is the poor-rate, levied by the overseers. It is assessed and levied by a uniform poundage on the value of the rateable property in the parish as shown in the valuation list of the union comprising the parish. (See p. 37 and Ch. XX.) *Poor rate.*
1801, c. 2.

The expenses of a parish council or meeting are to be paid out of the poor-rate, but the rate raised in any one year for parish purposes, including debt charges, is not to exceed 6*d.* in the £; but where there is a parish council additional rates may be levied for any of the "adoptive Acts." The consent of a parish meeting is, however, required for incurring a rate exceeding 3*d.* in the £. All property, including agricultural land, is equally liable to the parish rate, but there are certain exemptions in the case of expenditure under some of the "adoptive Acts" (see pp. 95, 96). 1893-4, ss. 11, 19.

A parish council may, with the consents of the parish meeting, the county council, and the Local Government Board, raise loans up to one-half of the assessable value of the parish for purchasing land or 1893-4, s. 12.

buildings, or for other permanent works, and may borrow from the county council or elsewhere on the security of the poor-rate.

Besides the expenses which the parish council or meeting can charge on the poor-rate, the overseers have to raise other sums under precept from the school board, the board of guardians, or district council (*l*).

1893-4, s. 58.

All parish accounts are to be audited yearly by the district auditors appointed by the Local Government Board, and to be open to inspection by any elector (see Ch. XX., pp. 103, 104).

NOTES.

Township and Parish.

Note (a). The following note shows the historical relations of the different parochial areas:—

(i.) The oldest unit is the township (tything or vill) organized for maintenance of the peace under an elected tythingman, headborough, or borsholder, to which was often attached as a lesser member a hamlet or other dependency. Coke estimates the number of townships at 8,803. (1 Inst. 116a.)

(ii.) On the township was superimposed the ecclesiastical parish, which sometimes corresponded with the township, sometimes (especially in the South) included only a part of a township, sometimes (especially in the North) included two or more and often many townships, and sometimes had no relation to the township area. It is not known how or when the division of the county into ecclesiastical parishes was made, but it appears to have been nearly complete in the time of Edward I. (*Taxatio Ecclesiastica*, 1288-92, which however is, strictly, a list of taxable benefices, not parishes.) The area of the parish seems to have been determined partly by manors, partly by the lands which paid tithe to the church. Places for any reason exempt from tithe were generally also extra-parochial.

(iii.) During the 13th and 14th centuries the parish remained chiefly an ecclesiastical area and the vestry an ecclesiastical assembly. Meanwhile, the civil matters of the locality were usually administered in, and the constables, haywards, and other civil officers appointed by, the manor court, which had in most places replaced the old township organization. From about the year 1535 (when the parish churchwardens became charged by statute with the civil duty of poor relief) the parish may be regarded as a civil unit. This "ancient civil parish" (so called here for distinction from the modern civil or poor law parish) coincides in general with the ecclesiastical parish, subject to accidental or customary exceptions. See *R. v. Watson*, L. R. 3 Q. B. 762, for an instance of a place titheable in one parish, but rateable in another.

(iv.) The modern civil or poor-law parish, in so far as it adopts the township (see next note), is a revival of the more ancient unit. For the "highway parish," see Ch. IX., note (*b*).

Poor-law parish
1662, c. 12.
1819, c. 95.
1844, c. 101,
s. 22.

Note (b). The poor-law parish differs from the ancient civil parish in many cases, partly through usages by which townships or other sub-divisions of ancient parishes have acquired a right of appointing separate overseers or of being separately rated for the poor, and partly by the operation of certain statutes. Thus by an Act of 1662, there are to be separate overseers for every "township or village" in the

large parishes in the northern and other counties. By an Act of 1819 parishes partly within and partly without a town corporate or liberty are divided for poor-law purposes. Acts of 1857 and 1868 provide for the appointment of overseers in extra-parochial places, and for the annexation or incorporation of such places with adjoining parishes, and the latter Act also provides that every riparian parish should extend to low water mark or mid-stream. Under the Poor Law Amendment Act, 1867, and the Divided Parishes Acts, 1876 to 1882, detached parts of parishes may be merged in the surrounding parish or organized as separate parishes. Under the same Act of 1867, large parishes may be divided by provisional orders of the Local Government Board, but these powers will now in practice probably be superseded by the powers given to the county council by the Local Government Acts to divide, unite, and alter parishes by order confirmed by the Local Government Board. For further changes made in parish boundaries by the recent Act, see note (f) below. By the Poor Law Amendment Act, 1844, the creation of new poor-law parishes by the appointment of separate overseers is prohibited except in the cases provided for by the subsequent Acts above mentioned.

Note (c). The Ecclesiastical Commissioners have, under the Church Building Acts, 1818 to 1884, and New Parishes Acts, 1843 to 1856, power with certain consents to divide a parish into two or more separate parishes "for any ecclesiastical purposes whatsoever." Where a new ecclesiastical parish is formed under these Acts, separate churchwardens are elected; but these have never had any poor law or civil functions, and the inhabitants of the new parish retain their right to vote for the churchwardens of the old parish (*R. v. Stephens*, 23 L. J. Q. B. 90). *Ecclesiastical parish.*

Note (d). In 1891 the total number of poor-law parishes in England and Wales (excluding London) was 14,488, while the number of ecclesiastical parishes was 13,188. In only 5,593 cases did the civil and ecclesiastical boundaries coincide. Between 1881 and 1891 3,258 poor-law parishes had their boundaries altered, and 438 new ecclesiastical parishes were constituted. Further large changes are effected by the Local Government Act of 1894, which constituted all parts of parishes overlapping sanitary districts separate poor-law parishes. *Number.*

Note (e). The 5,000 poor-law parishes, which are townships or other parts of ancient civil or ecclesiastical parishes, are chiefly in Yorkshire, Northumberland, Lancashire, Cheshire and Durham. The only places that are still extra-parochial for poor-law purposes seem to be Windsor Castle, Exeter Castle, Chatley Hill (Somerset), and 8 small islands. See Parliamentary Paper, No. 315, 1893. *Townships, &c.*

Note (f). In 1893 there were about 700 parishes partly within and partly without urban sanitary districts, but by the Local Government Act of 1894 (s. 1), these parts are all constituted separate parishes, subject to any alterations made by order of the county council in pursuance of their powers for the alteration of parishes and other areas. There were also parts of 83 parishes overlapping the boundaries of administrative counties. The Act did not directly constitute these separate parishes, but provided (s. 36) that the whole of each parish should by order of joint committees of the county councils be brought within the same administra- *Boundaries.*

tive county and, except in special cases and for special reasons, the same county district. Parts of parishes in two or more urban districts also become separate parishes, unless the county council for special reasons otherwise directs.

*Parts of
parishes.*
1893-4, ss. 7,
18, 37, 56.

Note (g). In certain cases a parish meeting may be held for a part only of a parish. Thus, where a parish is so large or its population so scattered that it is inconvenient to hold a single meeting for the election of parish councillors, the parish may be divided into wards with a separate meeting for elections in each ward. Again, the consent of a parish meeting held for a particular part of a parish may by order of the county council be required for any act of the parish council affecting any separate property or rights belonging to that part; or a meeting held for a particular part may require the parish council to act in matters separately concerning that part, through a committee on which that part of the parish is specially represented. And a parish meeting may be held for a part of a parish for the purpose of some of the "adoptive" Acts.

Vestries.
1818, c. 69.
1819, cc. 12, 85.
1837, c. 45.
1850, c. 57.
1853, c. 65.

1831, c. 60.

Note (h). The ordinary organization of a parish for ecclesiastical purposes consists of a vestry, either common or select. A common vestry is a meeting of all the rated inhabitants with plural and open voting. The rector or other incumbent, if present, is the chairman. A vestry meeting may be summoned by the incumbent or a churchwarden or overseer. In parishes with not less than 800 rated householders, a select vestry may be appointed instead of a common vestry, if two-thirds of the ratepayers resolve to adopt Hobhouse's Act (1831). A select vestry is elected by ballot, each ratepayer having one vote. The select vestrymen, who must be resident householders with a rating qualification, retire by thirds annually. The rector, or other incumbent, and the churchwardens are *ex officio* members. There are also select vestries in certain parishes appointed under local usages or under local Acts.

Jury lists.
1825, c. 50.
1862, c. 107.
1870, c. 77.

Note (i). The lists of jurors in a county are made out according to parishes by the overseers, revised by petty sessions, and sent to the clerk of the peace, who copies them in a book which he sends to the sheriff to form the jurors' book for the year. With regard to the registration of electors see p. 94.

*Other parish
officers.*

Note (j). The rector or incumbent, besides being chairman of the parish vestry, has certain civil duties for the registration of marriages and burials. The parish clerk and sexton, and in rural parishes the churchwardens, have no civil duties. In some parishes there still remain certain ancient manorial offices, such as the haywarden (*i.e.* guardian of fences), and pound-keeper. With respect to surveyors of highways and parish constables, see p. 49, note (b), and pp. 54-55.

1893-4, s. 4.

Note (k). A school-room or any rate-supported room in the parish may also be used, under certain restrictions, for parish meetings, or meetings of the parish council, or other parochial purposes. See also, as regards parish property and allotments, Chs. XIV. and XV.

Church rates.
1863, c. 109.

Note (l). Compulsory church-rates were abolished in 1868, with a saving when there were mortgages of the rates. The Act authorizes the appointment of a body of "church trustees" to receive and administer property for ecclesiastical purposes.

CHAPTER II.

THE POOR LAW UNION.

- (1) *Area of "Union."*
- (2) *Organization.*
- (3) *Purposes and Expenses of Union Organization.*

THE present Union organization has been created under the Poor Law Amendment Act, 1834, which established a poor law commission with extensive powers of organization and control. Their assistant-commissioners made a progress through the whole country, and grouped the parishes as appeared most convenient. The general idea on which the union was formed was that of taking a market town as a centre, and uniting the surrounding parishes, the inhabitants of which resorted to its market, such a centre being supposed to be convenient for the attendance of guardians and of parish officers. A limiting principle was, that in the first instance the union should be small enough for the guardians to have a personal knowledge of all the details of its management; and it seems to have been intended that, as the business became simplified and understood, the area might be enlarged. The situations of existing workhouses determined the limits of some unions. Various other local circumstances and feelings must have been allowed to modify the general plan. Unions under the former Acts were respected, and only gradually disappeared (*a*). Extra-parochial places could not be included in unions until later legislation had made them parochial, but are all now so included. Many single parishes were constituted "unions" under separate boards of guardians.

(1) AREA.
 1834, c. 76.
 1844, c. 101.
 1867, c. 106.
 1868, c. 122.
 1876, c. 61.
 1879, c. 54.
 1882, c. 58.
 1893-4, c. 73.

The result was that unions were constituted of very unequal size, and often irregular form, nor did they respect municipal, urban sanitary, or county boundaries, the only boundary which they never cut being that of the poor-law parish.

The policy of clearing away the existing confusion of areas has in recent years been more and more actively pressed forward by local government reformers. The boundary commissioners appointed by Statute in 1887 were directed to inquire as to the best mode of so adjusting the areas as to arrange that no union, sanitary district, or

1887, c. 61.

parish should be in more than one county. Less, however, has as yet been done with this object in the case of the poor-law union than in that of the other areas of local government (*b*).

*Alteration, &c.,
of Unions.*
1834, s. 32.
1844, s. 36.
1868, s. 4.
1876, s. 11.
1879, c. 54, s. 8.

Under the Poor Law Amendment Acts, 1834 to 1876, the Local Government Board has power to dissolve any existing union and to add or take away parishes, and to constitute any severed parish or parishes a separate "union." The same authority may also, under the Act of 1879, with the consent of the guardians, combine any two or more unions for any poor-law purposes, and invest a joint committee with any of the powers of guardians over the combined area. Under the Local Government Act, 1888, the Local Government Board was authorized, in the case of a union situate in more than one county, to divide it for the purpose of outdoor relief, while continuing it as one union so far as regarded the indoor paupers.

1888, c. 41,
s. 58.

1893-4, s. 36.

The Act of 1894 does not directly alter the union boundaries, but the county council (or, where two counties are concerned, a joint committee of their councils) may, by order confirmed by the Local Government Board, provide for the alteration of a union where such alteration seems expedient by reason of any of the provisions of that Act.

1834, ss. 32-36.

Unions and parishes may be combined into districts for pauper schools and (in certain large towns) for asylums for the houseless poor. (As to school districts, see Ch. XVII., p. 85. There are no asylum districts outside London.) The Act of 1834 also contains provisions enabling a complete consolidation of all the parishes in a union to be made for all purposes of poor relief, settlement, and rating, but these seem to be now almost obsolete.

(2) ORGANIZA-
TION.
1893-4, ss. 20,
24, 48.

The administrative authority in a poor-law union is the board of guardians. The constitution of this body has been changed by the Local Government Act, 1894. It formerly consisted of guardians annually elected in April by the constituent parishes, and of the county justices resident in the union as *ex officio* members. *Ex officio* guardians have been abolished by the Act of 1894; and in "rural" unions (*i.e.* unions no part of whose area comprises the whole or any part of an urban district), and also in the rural portions of mixed unions (*i.e.* unions partly rural and partly urban), guardians as such are no longer elected. the rural district councillors, elected as described in Ch. III. (p. 14), being themselves the guardians. In "urban" unions and in the urban portions of mixed unions the guardians are elected by the parochial electors and (in case of contested elections) by ballot, the elections being conducted according to rules framed by the Local Government Board, and in general accordance with the procedure at municipal elections. A

guardian must either be a parochial elector or have resided during the whole of the twelve months preceding the election in the union (or, in the case of a parish in a municipal borough, be qualified for election to the borough council). Women, whether married or single, are qualified to be guardians. There is now no property qualification for a guardian. The term of office is three years, and one-third of the guardians retire annually on the 15th of April, except where the county council on the application of the board of guardians directs in any case that the whole board shall retire simultaneously in every third year, or where (in the exercise of a power vested in the Local Government Board under the Act of 1834) the plan of simultaneous retirement in every third year was in operation prior to 1894 (c).

The number of guardians to be elected in each parish has in the past been fixed by the Local Government Board, which has power to group small parishes for this purpose, subject to the rule that every parish of more than 300 population must have at least one guardian assigned to it. One effect of this rule has been to make the representation in some cases very disproportionate to the population. The Local Government Board has also (under the Acts of 1876 and 1882) power to divide a parish into wards for the election of guardians, and to determine the number of guardians to be elected for each ward (having due regard to the value of the rateable property therein), and to alter the wards. And now the Act of 1894 enables the county council to fix or alter the number of guardians for each parish in its county, and for that purpose to exercise powers of adding parishes together and dividing parishes into wards, similar to the powers vested in the Local Government Board. In the case of unions lying in more than one county these powers are exerciseable by a joint committee of the county councils concerned.

Every board of guardians is entitled, but not obliged, to elect from outside its own body a chairman, or vice-chairman, or both, and not more than two other persons, as additional guardians.

The usual officers of a board of guardians are a clerk, a treasurer, relieving officers, registrars of births and deaths (appointed by but not under the control of the guardians), one or more medical officers (or "parish doctors"), a vaccination officer, and the necessary officers in workhouses. There may also be a paid valuer and paid collectors of rates.

The board of guardians must annually appoint from among its members an assessment committee for purposes of valuation. And, on their application, the Local Government Board may form parishes, which are more than four miles distant from the place of meeting of the

1834, s. 38.
1844, s. 18.
1867, s. 3.
1868, s. 6.

1876, s. 12.
1882, s. 8.

1893-4, s. 60.

1893-4, s. 20 (c).

1862, c. 103.

1842, c. 57, s. 7.

guardians, into a district, with a committee appointed by the guardians to receive applications for relief.

Control.

The Local Government Board (as the successor of the former Poor Law Commissioners and Poor Law Board) has comprehensive powers of control over guardians. Firstly, it is empowered to issue general orders for regulating the meetings and procedure of guardians, the mode and conditions of outdoor relief, the management of workhouses, the appointment, dismissal, payment and conduct of union officers, the accounts of the guardians and of their officers, and generally all matters relating to the execution of the poor-laws. Secondly, it issues special orders in particular cases under particular provisions of the Poor Law Acts or for enforcing performance of duties. Thirdly, it appoints district auditors, who are civil servants of the State, and who audit, under the control of the Local Government Board, the accounts of officers employed in the administration of the poor laws, and have power to disallow and surcharge illegal payments, subject to an appeal to the High Court or the Local Government Board.

Audit.
1844, m. 32-36,
49.
1848, c. 91.
1849, c. 103,
ss. 9-11.
1866, c. 113,
ss. 5-7.
1879, c. 6.

3 PURPOSES OF UNION ORGANIZATION.

The purposes of the union organization are—(i.) the local administration of the poor-laws; (ii.) the preparation of the valuation lists on which the poor-rate is assessed; (iii.) registration of births and deaths; (iv.) the enforcement of vaccination; and (v.) the enforcement of the Elementary Education Acts (through a school-attendance committee of the guardians) in places having no school boards and not being municipal boroughs. (See as to these purposes, Chs. VII., XVII., XIX., XX.)

And, as a general rule (though not necessarily), the area of the rural county district coincides with the rural union, or the rural portion of the union, and the sanitary and other matters for which that district exists are administered by the guardians (exclusive of those who either represent urban parishes or are co-opted by the board) in their capacity of rural district councillors.

Rating.

The guardians do not (generally speaking) exercise any direct rating powers. They collect their funds (and also the county rate) by means of orders upon the overseers of parishes. Nevertheless the guardians must be regarded as being in substance the rating authority in relation to the poor-rate, because they control the valuation, enforce the collection, and, in rural places, determine the greater part of the expenditure which is defrayed out of that rate. The poor-law expenditure is now almost wholly borne by the "common fund" of the union, which fund was instituted in 1834 for workhouse and establishment purposes, but on which has since been thrown practically the whole cost of poor relief, valuation, registration, and vaccination. The burden thrown on the poor rate in

See 1865, c. 79,
ss. 1, 9.

1888, ss. 24, 26.

meeting the expenditure of the guardians is, however, relieved by means of contributions from the "exchequer contribution account" of the county council in respect of the cost of officers of the union, of pauper lunatics, and of drugs and medical appliances supplied by the guardians (*d*).

Guardians may, with the sanction of the Local Government Board, 1839, c. 56, s. 2 borrow money up to one-fourth of the rateable value of the union for any permanent work or object, or anything of which the cost ought, in the opinion of the Local Government Board, to be spread over a term of years.

NOTES.

Note (a). Before 1782 many unions of parishes had been constituted under special Acts, such as that for the Metropolitan counties (1662); those for Bristol and Gloucester in the reigns of William III. and Anne, and certain other incorporations of hundreds, towns, and districts. There were also combinations of small parishes for a common workhouse under an Act of 1723. In 1782, Gilbert's Act provided for the constitution of unions by agreement of parishes, with elected and nominated guardians. Unions under this Act were financially combined for the purposes of indoor relief only, and they did not form consolidated areas, but consisted merely of such parishes within a radius of ten miles from the workhouse as chose to unite. Nor was there any provision for central control. Nearly all these old unions and incorporations have now ceased to exist.

Old Unions.
1662, c. 12.
1796, c. 10.
1723, c. 7.
1782, c. 83.

Note (b). In 1893 there were 648 unions in England and Wales (including London), containing 14,684 parishes, and a population of 29,000,000.

Number. 46

Of these unions some few (*e.g.* Oxford) are incorporations or single parishes, in which poor relief is administered by governors or guardians or other authorities, constituted under local Acts. The rest are unions or parishes with boards of guardians under the Poor Law Amendment Acts.

These unions vary in size from West Derby (Lancashire), with a population of 444,000, down to Keeth (Yorkshire), with 3,200, and Welwyn (Hertfordshire), with 2,300 inhabitants. About 575 unions are wholly or partly rural. The ordinary size of a purely rural union appears to be from 60 to 100 square miles, and its population is ordinarily from 12,000 to 20,000.

In 1893 there were 183 unions which included parts of two or more counties, 31 of these being each in three counties, and 2 others being each in four or five counties: 75 unions comprised the whole or part of a county borough as well as part of one or more counties.

Note (c). Guardians usually were elected for a year only. In 1893 there were 99 unions (mostly populous), in which the elective guardians held office for three years. In 13 cases one-third of the number retired each year, while in the remainder the whole number retired every third year.

Elections.

Note (d). These contributions amounted in 1891-2 for the whole of England and Wales (including London), to about £1,600,000 (see p. 128). For further details as to poor-law expenditure, see notes to Ch. VII., pp. 38, 39; and as to the exchequer contribution account see Ch. XXII., p. 114.

Expenses.

CHAPTER III.

THE RURAL DISTRICT.

- (1) *Area of Rural District.*
- (2) *Organization.*
- (3) *Purposes and Expenses of Organization.*

(1) AREA.

1875, c. 55,
s. 9.

1888, c. 41,
s. 57.

As originally constituted under the Public Health Act, the rural sanitary district was simply the poor law union, or the rural portion of the poor law union, regarded as an area of sanitary administration.

The Local Government Act, 1888, gave to the county council wide powers (subject, in case of objection, to the control of the Local Government Board) for the alteration of rural sanitary districts, by dividing them or uniting them, or parts of them, to other districts, by forming new districts, and by making rural urban areas, or *vice versa*. The policy of bringing all subordinate areas of local administration within the bounds of a single county was expressly recognised in that Act, but it did not enable the county council to deal with the area of the union, which could only be altered by the Local Government Board. The alteration of a rural district, therefore, would have left the area for poor law purposes untouched, unless the Local Government Board made a corresponding order for the union. As a matter of fact, little was done towards bringing overlapping rural districts within the county boundaries; in 1893 there were 174 such districts (a).

1893-4, c. 73,
ss. 24, 36.

Speaking generally, the rural district is still conterminous with the poor law union, or (in the case of a union partly but not wholly rural) with so much of it as is not comprised in an urban district. Under the Act of 1894, however, when a union extends into two or more counties, the rural portion in each county forms, under ordinary circumstances, a separate rural district. But, where any such portion is too small to be conveniently constituted a separate district, the Act provides for its absorption into another district, or its distribution among two or more neighbouring districts in the same county. Henceforth, unless a joint committee of the county councils should for special reasons otherwise direct, the whole of each rural district will be within the same administrative county. Within the county limits the rural districts can be altered by the county council under the powers conferred in 1888.

The affairs of the "rural district" (as it is now called) are administered by a rural district council, consisting of a chairman and councillors. The number of councillors for each parish in the district is the same as the number of guardians for the parish, and the rural district councillors are themselves the guardians, so that there is no separate election to the latter office in rural parishes. The county council has power to fix or alter the number of rural district councillors and guardians for each parish in its county, and for these purposes may add parishes together or divide them into wards.

(2) ORGANIZATION.
1893-4, ss. 20, 21, 24, 60.

A candidate for election to the rural district council must either be a parochial elector for some parish in the district, or have resided in the district for the twelve months preceding the election; he must be nominated in writing by two electors, and in case of a contest the election must be by ballot in accordance with rules framed by the Local Government Board, following generally the procedure at municipal elections. Women, whether married or single, are eligible. Each parochial elector in a parish or ward in the district has one vote for each of any number of candidates not exceeding the number to be elected for that parish or ward. The term of office is three years, and the councillors retire by thirds in each year, in the absence of a special order, made on the application of the council, providing for their simultaneous retirement in every third year. The rules respecting the chairman and the meetings and committees of the council are the same as in urban districts (see p. 18); and certain sanitary duties may be delegated by the district to the parish council, or to a parochial committee constituted under the Public Health Act.

It is the function of the rural councils to execute, in their respective districts, the Public Health Acts and the Highway Acts; and they have powers and duties under various Acts, including the Allotments Act, 1887, the Housing of the Working Classes Act, 1890, and others (see Chs. VIII., IX., XI., XIV., XV., XVI., XIX.). Certain powers under the Public Health Acts, the Open Spaces Acts, and other Acts, which primarily belong only to urban councils, may, by order of the Local Government Board, be conferred on any rural council, or on rural councils generally (b). It is the duty of every district council (a duty especially incumbent on rural councils) to protect the public interests in rights of way, roadside wastes, and rights of common. Rural councils may also promote the extension of postal facilities in their districts by guaranteeing the Post Office against loss.

(3) PURPOSES OF ORGANIZATION.

1875, c. 55, s. 276.
1887, c. 32, s. 5.
1893-4, s. 25.

1893-4, s. 26.
Curtis v. Kesteven C. C.
45 Ch. D. 504.
1891, c. 46, s. 3.

The expenses of a rural district council are divided into general and special expenses.

Expenses.
1875, ss. 229-232.

1893-4, s. 29.

General expenses, which include the expenditure in respect of the establishment and officers of the council, and the repair of highways, part of the expenses of the administration of the sanitary laws, and all other expenses which are not expressly declared to be special, are paid out of a common fund raised out of the poor-rate over the whole district. In this respect there is a marked distinction between urban and rural districts, the general expenditure in the former being defrayed out of a rate from which agricultural land, railways, canals, and tithes are exempt to the extent of three-fourths of their value.

Special expenses are a separate charge on each parish (or "special drainage district" in cases where such a district has been formed out of part of a rural county district), and are met by a rate which is levied like a poor-rate, but in which the above-mentioned exemptions are allowed (*c*). Among special expenses are those connected with sewerage and water-supply, and the provision of open spaces, of allotments, and (unless otherwise ordered) of workmen's lodgings under Part III. of the Housing of the Working Classes Act, 1890. The Local Government Board can in certain cases declare expenses to be "special."

A private improvement rate is leviable in a rural as well as an urban district (see p. 19).

• The rural council has borrowing powers under various statutes, which powers are exercised under the supervision of the Local Government Board.

NOTES.

Note (a). The following is a rough statement of the number, size, population, and rateable value, in 1891, of urban and rural sanitary districts (excluding London, but including the 64 county boroughs).

Number.	Acreage.	Population.	Rateable value.
1018 U. S. D. .	3 millions . .	16½ millions . .	£ 67½ millions.
575 R. S. D. .	34 millions . .	8½ millions . .	53½ millions.

This would give for each rural sanitary district an average area of about 60,000 acres, population of 14,500, and rateable value of £92,500. Some of the fragments which remained as rural sanitary districts, after taking out of the unions the urban areas, were very small.

1893 4, s. 28 (*b*).

Note (b). Certain urban powers under the Public Health Acts are frequently extended to rural districts or to portions of such districts. See p. 44, note (*a*).

Note (c). The Local Government Board may direct that any expenses incurred by a rural district council under the Local Government Act, 1894, which the Board determines to be special expenses, shall be raised in like manner as general expenses, *i.e.*, without the exemption for agricultural land, &c.

CHAPTER IV.

THE URBAN DISTRICT.

- (1) *Area of Urban District.*
- (2) *Organization.*
- (3) *Purposes and Expenses of Organization.*

URBAN districts are either municipal boroughs (exclusive of those boroughs which are elevated to the rank of counties and are called "county boroughs"), or districts for which urban district councils are elected under Part II. of the Local Government Act, 1894, superseding the former local boards and improvement commissioners (*a*). (1) AREA.

Exclusive of municipal boroughs, (whose special organization and powers will be noticed in a separate chapter,) the total number of urban districts in England and Wales was stated in 1893 to be 719 (688 Local Government districts with local boards, and 31 Improvement Act districts). Their populations are often very small, and sometimes very large, varying from 200 (Childwall, Lancashire) to 71,000 (Tottenham, Middlesex) (*b*). Hitherto their areas have frequently cut the area of the poor law parish, and not seldom that of the union (*c*). The policy of the simplification of areas has, however, received a material extension in the Act of 1894, through the provisions for re-adjusting the parish boundaries so that each parish may (unless in certain cases the county council for special reasons otherwise direct) be wholly within the same county district. The existence of the urban districts has in the past been determined partly by the non-existence until recent years of any efficient sanitary laws for rural places, sometimes by the desire to escape inclusion in other urban districts. Their areas have naturally been in many cases determined or modified by the opposition of the owners or occupiers of particular properties. 1893-4, c. 73. 1893-4, ss. 1 (3), 36 (1), (2).

The Local Government Act, 1888, gives powers to each county council to form new urban districts (other than boroughs), and to alter existing districts, by order subject to confirmation by the Local Government Board. That Board, however, cannot refuse to confirm any such order unless a petition is presented against it by one-sixth of the electors, and a local inquiry has been held. And under the Public Health Act, 1888, c. 41, s. 57. 1875, c. 55, ss. 270-304.

1875, the Local Government Board has various powers of its own for the alteration or combination of existing districts, and the creation of new ones; but these powers can in general be exercised only with the consent of the local authorities, or petition of the inhabitants concerned, or by provisional order confirmed by Parliament, or under both restrictions.

(2) ORGANIZA-
TION.
1893-4, ss. 21-
23, 53-59

These urban districts are governed by incorporated bodies called "urban district councils," a term substituted by the Local Government Act, 1894, for that of "urban sanitary authority." The name and manner of election are altered by this Act, but the bodies themselves continue to be constituted under the same statutory authority as before, viz. those councils which were formerly called local boards, under the Public Health Act, 1875, and those which were called improvement commissioners, under their own local Acts. The Act of 1894, however, removes from the district councils all *ex-officio* and nominated members, and restricts the capacity for membership to those persons (male or female, married or single) who either are registered as parochial electors, or have resided for twelve months in the district. No property qualification is now required for a district councillor. The electoral franchise is the same as for the parish councils, and contested elections are decided by ballot. The councillors hold office for three years, retiring annually by thirds, unless the county council orders in any case, on the request of the urban district council, that all the members should retire simultaneously in every third year.

The urban council must meet at least once a month, and may act to a great extent through committees which need not consist exclusively of members of the council. The "annual" meeting is held in April, when a chairman (who is not necessarily taken from within the council) is elected for the year. The chairman (unless a woman holds the office) is *ex officio* a justice of the peace for the county. Business in which two or more district councils are jointly interested may be managed by a joint committee of their members.

1888, s. 57.

An urban district may be divided into wards, when a number of members is assigned to and separately elected in each ward. The division into wards, or the alteration of the number or boundaries of wards, or of the numbers of district councillors, or of their apportionment among the wards, can be effected by an order of the county council.

(3) PURPOSES OF
ORGANISATION.

The purposes of this organization are: the execution of the Public Health and Highway Acts, and (in certain cases) of the Burial Acts, and the Acts relating respectively to baths and washhouses, libraries, museums and gymnasiums. Urban councils also have powers and duties under the Housing of the Working Classes Act, 1890, Allotments Act, 1887, Technical Instruction Acts, 1889 and 1891, and

Open Spaces Acts, 1887 and 1890, and miscellaneous functions under other Acts (see Chs. VIII., IX., XI., XIII., XIV., XV., XVI., XIX.).

The expenses of urban district councils (other than the councils of municipal boroughs) are defrayed for the most part out of a rate called the "general district rate," which differs from the poor rate in this, that agricultural land, railways, canals, and tithes are assessed at only one-fourth part of their full rateable value, an exemption granted on the ground that they may not be benefited equally with houses and manufactories by town improvements, &c. The general district rate is leviable by the council itself through its own officers, and not by means of a precept to the overseers as is usual in the case of a borough rate.

Expenses.

1875, ss. 207-
227. 1890, c.
17. 1891, c.
33.

In particular cases (determined sometimes by Statute, sometimes by the district council itself subject to appeal to the Local Government Board) expenses may be defrayed by means of a private improvement rate levied on particular premises, so as to discharge the expenses with interest in not more than thirty years. An occupier holding at a rack rent may deduct therefrom three-fourths of such a rate.

Borrowing powers, the exercise of which is subject to the control of the Local Government Board, are given to urban councils by various Acts; and the loan clauses of the Public Health Act, 1875, which provide for the raising of money by mortgage of the rates, are applied for the purpose of loans under some other Statutes.

The authorities of urban districts with 25,000 population can under the Stipendiary Magistrates Act, 1863, petition the Secretary of State for a salaried police magistrate, who is appointed by the Crown, holds office during the Queen's pleasure, and is paid out of the local rate. 1863, c. 97.

NOTES.

Note (a). Outside urban districts there are places having a rudimentary urban organisation under the Lighting and Watching Act, 1833 (see p. 96). There are also port sanitary authorities under the Public Health Act (see p. 43, 44).

Note (b). See p. 16, note (a). The largest proportion of local government districts is in Lancashire (93), and the West Riding (122). Of these 215 districts, 60 have populations under 3,500, and 13 under 1000. It is thus apparent that many so-called "urban" districts are really to a great extent rural in character.

Note (c). Prior to the passing of the Local Government Act, 1888, 11 boroughs and 32 other urban sanitary districts overlapped also the county boundaries. The effect of that Act, however, was to bring every such district wholly within the administrative county containing the largest portion of its population. As an instance of cross boundaries, we may quote the borough of Mossley in Lancashire, which comprised parts of four poor-law parishes, two unions, and three counties. 1888, s. 50.

CHAPTER V.

THE MUNICIPAL BOROUGH.

- (1) *Area of Borough.*
- (2) *Organization.*
- (3) *Separate Commission of the Peace.*
- (4) *Separate Court of Quarter Sessions.*
- (5) *Purposes and Expenses of Borough Organization.*
- (6) *County Boroughs.*

(1) AREA.

1882, c. 50.

MUNICIPAL boroughs are places which have been so constituted by Royal Charter, and are regulated by the provisions of the Municipal Corporations Act, 1882. Charters of incorporation, under various forms, and conferring various powers and privileges, were from early times granted by the Crown to favoured cities and towns; and a large number of such chartered places were in existence when, in 1835, the first Municipal Corporations Act was passed as the result of an inquiry conducted by specially - appointed commissioners, with a view to removing the anomalies and abuses which had followed the unsystematic grant of such concessions. The Act of 1835 provided a general system for the constitution and management of boroughs. It applied that system to a number of existing boroughs, which were specified in the schedules to the Act; and it authorised the Crown to extend its provisions to such municipalities as might afterwards be chartered. The Municipal Corporations Act, 1882, which contains the existing law on the subject, is substantially a re-enactment (with some amendments of detail) of the Act of 1835 and its amending Acts.

1883, c. 18.

There remained, however, a considerable number of old municipal corporations, which, having been neither included in the schedules to the Act of 1835, nor subsequently dealt with by Charter, continued unreformed until, under an Act passed in 1883, such of these unreformed corporations as had not obtained fresh Charters by the 25th of March, 1886, were abolished. At the present time, therefore, all municipal boroughs are under the operation of the Municipal Corporations Act, 1882, that Act being extended to every borough by its charter of incorporation. The only exception to this rule is the City of London, which is still governed by its ancient Charters (*a*).

The total number of municipal boroughs existing at the beginning

of 1894 was 303, including 64 "county boroughs," which, though they have certain additional powers belonging to counties, are, so far as the Municipal Corporations Acts are concerned, on the same footing as the rest (*b*). The borough boundaries have not been settled upon any general principle, and have intersected unions, parishes, and counties. As regards the county boundaries, however, the Local Government Act, 1888, required the whole of every municipal borough (other than a county borough, which was altogether taken out of the administrative county) to be included in that county which contained the largest part of its population. And now (as mentioned in the preceding chapter) parish boundaries are to be so adjusted as not to cross (unless under exceptional circumstances) the boundaries of urban districts. The boundary of a borough can, after local inquiry, be altered by the Local Government Board, by Provisional Order confirmed by Parliament, and the order can make any consequential alterations in the number and arrangement of councillors and wards. Boroughs are usually divided into wards, and the number and boundaries of the wards, and distribution of councillors among them, can be altered by Order in Council on petition. New boroughs are constituted by Charter from the Crown, and all necessary arrangements as to wards and distribution of councillors, &c., are made in the first instance by the Charter (*c*).

1888, c. 41.
s. 54.

1882, s. 30.
1893, c. 9.

Boroughs are governed by corporations, composed of a mayor, aldermen, and burgesses (or citizens (*d*)), acting by a council, often called the "town" council, in which the burgesses are represented by from nine to seventy-eight councillors. The burgesses, or voters, ordinarily consist of persons (including unmarried women) qualified by occupation of a building of any value, or of land worth £10 a year, within the borough, and by residence in or within seven miles of it; the qualifying property being assessed to rates, and the rates having been duly paid. There are also in many boroughs freemen or other customary burgesses. The burgesses elect councillors annually by ballot, and the council choose the mayor and aldermen. To be elected a councillor, a person must either be enrolled and entitled to be enrolled as a burgess, or be on a separate non-resident list of persons residing beyond seven, but within fifteen, miles of the borough. But in the latter case, or if he ceases for six months to reside in the borough, he must have the qualification of £1,000 property or £30 rating in the case of a borough divided into four or more wards, and £500 property or £15 rating in any other borough. Women are not eligible. If the borough is divided into wards, the councillors are apportioned among and separately elected in the several wards. The term of office is three years, one-third of the councillors retiring

(2) ORGANIZA-
TION.

annually; and it is required that the number allotted to each ward should be three or a multiple of three. The mayor and aldermen are chosen from among the councillors or persons qualified to be councillors. The mayor holds office for one year, the aldermen for six, years, one-half retiring triennially. The council appoints a town clerk a treasurer, and other necessary officers, and may appoint general and special committees of its own members; but the acts of every committee have to be submitted for the approval of the council.

(3) SEPARATE
COMMISSION OF
THE PEACE.

1882, ss. 15/,
158.

In every borough the mayor and last ex-mayor are justices for the borough; and the mayor of a borough other than a county borough is also a justice for the county. Moreover, a separate commission of the peace has been granted to the majority of boroughs, and may be granted to any others. A separate commission does not involve any exemption from the county-rate, nor from the jurisdiction of the county justices to act in the borough in petty sessions, or to act in matters concerning the borough at the county quarter sessions. It merely enables the borough justices under the commission to act in the borough as if they were county justices acting in and for a separate petty sessional division. But in practice, where there is a separate commission, the county justices do not ordinarily sit in the borough. Where there is a separate commission for a borough, a clerk to the borough justices is appointed. No qualification by estate is required for borough justices. Every borough with a separate commission of the peace is a separate licensing division for liquor licenses.

1882, s. 161.

(4) SEPARATE
QUARTER SES-
SIONS.

A salaried police magistrate may be appointed in any municipal borough by the Crown on the application of the council.

In addition to a separate commission of the peace, the Crown may grant to a borough a separate court of quarter sessions, which involves a salaried recorder (appointed by the Crown and holding office during good behaviour) as judge of the court, a clerk of the peace, and (except in a quarter sessions borough with a population of less than 10,000 in 1881, or a borough receiving a separate court of quarter sessions since August, 1888) a coroner, who must appoint a deputy. The court is held, not, as in a county, by the justices, but by the recorder as sole judge (e), (f).

(5) PURPOSES
OF BOROUGH
ORGANIZATION.

The principal functions of the council are, under the Municipal Corporations Act, the acquisition and management of corporate land and buildings; the maintenance of those bridges in the borough which the borough, and not the county, is liable to maintain; the making of byelaws for the good rule and government of the borough; and, in boroughs which have a separate police force (g), the management of that force through the watch committee of the council. The council of

a borough has also, in its capacity as district council, all the powers and duties of such a council mentioned in the last chapter; and it also has the appointment of the school attendance committee if the borough has no school board.

As regards some other of the functions of local government, the position of the boroughs is not uniform. In some cases, a borough is made a distinct unit, and the borough council is made the local authority, with respect to matters which elsewhere are dealt with by the county council. Thus, some, but not all, quarter sessions boroughs of more than 10,000 inhabitants, as well as most county boroughs, are separate units for the provision and management of lunatic asylums, while all other boroughs are for that purpose merged in the county. 1898, s. 35-39.

In a quarter sessions borough with a population over 10,000 the council has certain powers under the Acts relating to reformatory and industrial schools, to fish conservancy, and to explosives, and can regulate and make byelaws respecting the use of locomotives on roads in the borough.

A borough with a population over 10,000, whether with or without a separate court of quarter sessions, is a separate unit for the administration of the Diseases of Animals Act and Destructive Insects Act, for the inspection of gas meters, and in some cases for the enforcement of the law relating to adulteration and to weights and measures.

Expenses are ordinarily defrayed out of the borough fund, which is supplemented by a uniform borough rate, leviable on the same basis as or out of the poor-rate. In some boroughs the council levies a separate watch rate over the whole borough, or over particular parts of it. In most boroughs the "sanitary" expenses of the council (*i.e.*, generally, expenses incurred for the purposes mentioned in Ch. VIII.) are defrayed out of a rate similar to the general district rate leviable by other urban councils, with the exemptions for agricultural and other special kinds of property. This rate is levied by the council directly, instead of being raised (as the borough rate in most cases is) by means of a precept to the overseers. Some boroughs have large corporate estates, and some derive large revenues from such undertakings as gas-works and waterworks. Corporate lands cannot be sold, mortgaged, or (except for certain limited terms) leased without the consent of the Local Government Board or an Act of Parliament. Accounts must be annually sent to the Local Government Board, and an abstract of them is laid before Parliament. They are audited by three auditors, of whom two are elected by the burgesses and one is appointed by the mayor. *Expenses.*

In addition to the borrowing powers under the Public Health and other Acts, the Municipal Corporations Act enables the council of a

borough, subject to the approval of the Local Government Board, to borrow money on the security of any corporate land or of the borough fund or rate for the purchase of land or erection of buildings.

(6) COUNTY
BOROUGH.
1888, ss. 31-34,
54.

"County boroughs" are the creation of the Local Government Act, 1888. Speaking generally, those boroughs which have a population exceeding 50,000 are county boroughs (*h*); and the Local Government Board by Provisional Order confirmed by Parliament may constitute any borough with that population a county borough. Their councils have, in addition to the ordinary powers of a borough council (*i*), most of those attaching to a county council (see p. 30); and they are, for most purposes, treated as being separate and distinct from the county in which, geographically, they are situated. The county borough, however, is generally under the jurisdiction of the county sheriff, it has to contribute to the costs of assizes in the county, and (if it has not a separate court of quarter sessions) to the costs of the county quarter and petty sessions. For militia purposes, also, for the service of jurors, and making of jury lists, and generally for the purpose of Parliamentary elections (in order that freeholders in the borough may not lose their county vote), the county borough is included in the surrounding county (*j*). A county borough not having a separate court of quarter sessions is within the jurisdiction of the county coroner, but the borough council have, usually through a joint committee, a voice in the election of a coroner for a district comprising their county borough. Those county boroughs which, in 1888, contributed to the county lunatic asylum were allowed to continue the existing arrangement.

The contributions of a county borough to the county are raised, not by the direct levy of a rate by the county authorities in the borough but through an order from the county treasurer to the borough council for the whole sum due.

NOTES.

Note (a). The number of boroughs scheduled by the Act of 1835 was 178 (128 with, and 50 without, separate commissions of the peace). The Act of 1883 mentioned by name 25 places to which the commissioners, on whose report that Act was founded, reported that the Municipal Corporations Act might be applied, and 49 places not so reported. Twenty-one of the former and four of the latter have in fact become municipal boroughs.

Note (b). The 303 boroughs have an aggregate population of 11 millions, and an assessable value in 1893 of nearly 46½ millions. In 70 boroughs the population according to the census of 1891 is under 5,000 (the smallest being Hedon, with 979 inhabitants); in 22 it is over 100,000.

Note (c). The procedure for obtaining a Charter of incorporation commences with a petition to the Crown from certain inhabitants of the place proposed to be incorporated. The petition is referred to a committee of the Privy Council, and notice of it must be sent to the county council and Local Government Board, whose representations on the subject (if any) must be duly considered. Notice has to be published in the Gazette of the time when the petition will be considered. In practice, also, a local inquiry is held in the district by direction of the Privy Council. The scheme, if opposed, is subject to confirmation by Parliament; if unopposed, it may be confirmed by Order in Council. A draft of the scheme has also to be submitted to the Home Secretary, the Local Government Board, and (in some cases) the Board of Trade. A scheme may be amended by a subsequent scheme. 1882, ss. 210-8.
1883, s. 56.

Note (d). Certain towns have at various times been created cities by Royal Charter or letters patent. Generally a city contains the cathedral church of a diocese; but places not thus distinguished have sometimes been made cities, *e.g.* Birmingham, which became a city in 1888, and Leeds in 1893. Every city is also a municipal borough, and the term "burgesses" in Acts of Parliament includes the citizens of a city.

Note (e). Haverfordwest is an exception, having a court of quarter sessions consisting of the borough justices, and having no recorder. A few places, on the other hand (*e.g.* Durham and Wells), have a recorder without a court of quarter sessions, the recorder being merely the judge of a civil court, or holding a merely honorary office.

Note (f). Of the 303 boroughs, 105 have separate commissions of the peace and courts of quarter sessions, 123 have separate commissions of the peace only, and 75 have no separate commissions of the peace. The list of quarter sessions boroughs excludes some of the largest, *e.g.* Sunderland (131,000) and West Ham (205,000), and includes some of the smaller, *e.g.* Sandwich (2,800) and Ludlow (4,500).

It is not easy to determine clearly in what cases the county justices are excluded from acting in municipal boroughs. The commission of the peace for a county (or riding or division of a county) *prima facie* extends over the whole county, riding, or division. In the case of a borough (not being a county of a city or of a town), the rule at common law seems to have been that the jurisdiction of the county justices could not be excluded unless by an express non-intromittant clause (*ita quod justiciarii comitatus se non intromittant*) in the Charter of the borough or in a separate commission granted to it. (2 Hale, P. C. 47; 2 Strange, 1154; *Talbot v. Hubble*, 3 T. R. 279; *Blankney v. Winstanley*, 4 T. R. 451; *R. v. Sainsbury*, 4 M. & Sel. 429). The Act of 1882, however (s. 154) provides, on the one hand, that where no separate court of quarter sessions has been granted, the county justices shall have jurisdiction, and on the other that where it has been granted, any part of the borough which before 1835 was exempt from their jurisdiction exercisable out of quarter sessions shall continue exempt. Probably the first enactment overrides in a non-quarter sessions borough any ancient non-intromittant clause, while the second implies that quarter sessions boroughs formerly subject to the county justices shall continue so subject. (But see *R. v. Deane*, 2 Q. B. 96.)

Note (g). Boroughs with a population less than 10,000, according to the census of 1881, were in 1888 deprived of their separate police force. One of these boroughs had then a separate force consisting of a single constable. Already, since 1877, the

practice of allowing a separate force to any new borough with less than 20,000 inhabitants had been discontinued.

Note (h). The original county boroughs, as scheduled in the Local Government Act, 1888, numbered 61; and, with a few exceptions, each of them had or was supposed to have a population exceeding 50,000. The exceptions were Canterbury (population in 1891, 23,062), Chester (37,105), Exeter (37,404), Gloucester (39,444), Lincoln (41,490), and Worcester (42,908), which being already "counties of cities," were admitted although they fell short of the prescribed population. The Act further authorized the Local Government Board, by provisional order, subject to confirmation by Act of Parliament, to raise any borough with a population of not less than 50,000 to the rank of a county borough. Three additions have as yet been made to the list of county boroughs, viz., Great Grimsby, Newport (Monmouth), and Oxford; the latter place having, however, a population of only 45,742, according to the last census. Warrington, on the other hand, is credited with 52,743 inhabitants, but is not a county borough. Of the 64 county boroughs, 18 are without separate courts of quarter sessions; all have commissions of the peace.

The county borough, as above described, is to be distinguished from the more ancient but now less important class of "counties of cities" and "counties of towns." These places were formerly, as their name implies, regarded as counties of themselves. The possession of a separate sheriff is, however, their only claim to distinction for practical purposes at the present time; the practice of holding separate assizes in them is disused.

The counties of cities are—

Bristol,
Canterbury,
Chester,
Exeter,
Gloucester,
Lichfield,
Lincoln,
London,
Newcastle,
Norwich,
Worcester,
York.

The counties of towns are—

Berwick (1836, c. 103),
Carmarthen,
Haverfordwest,
Hull,
Nottingham,
Poole,
Southampton.

Oxford has also a sheriff of its own, for the purposes of the local court, but the sheriff of the county is not ousted.

Haverfordwest is peculiar in having its own lord lieutenant.

In the above list (excluding London, which has a special organization) Lichfield, Berwick, Carmarthen, Haverfordwest and Poole are not county boroughs.

Note (i). It must be remembered that, though a county borough is not technically called a "county district," its council, as the council of a municipal borough, is an "urban sanitary authority" within the meaning of the Public Health and other Acts, and has in general the powers and duties of a district council.

Note (j). In Bristol, Exeter, Norwich, and Nottingham freeholders have votes for the borough. Those county boroughs, therefore, are distinct for election purposes from the county at large.

CHAPTER VI.

THE COUNTY.

- (1) *Area of County.*
- (2) *Organization for Imperial and Judicial Purposes.*
- (3) *Organization for Administrative Purposes.*

ENGLAND and Wales comprise fifty-two ancient counties or counties (1) *AREA*, at large. Since the Local Government Act of 1888 these ancient counties have ceased for the most part to be administrative areas, but they still exist for parliamentary and certain judicial purposes.

The term "county" for most local government purposes now means ^{1888, c. 41,} the administrative county. The whole of England and Wales is now ^{s. 50.} divided into sixty-two administrative counties (including the county of London) and sixty-four county boroughs. The administrative county is based upon, and is in some cases co-extensive with, the ancient county; but it generally differs from it by excluding all municipal boroughs with a population of 50,000 and upwards, and certain others. Moreover, five ancient counties (Cambridge, Hampshire, Northampton, Suffolk, and Sussex) are each divided into two administrative counties, while the three ridings of Yorkshire and the three parts of Lincolnshire form separate administrative areas. In some of these cases, however, the judicial arrangements remain the same as before the ancient counties were divided (a).

The county boroughs (*i.e.* the municipal boroughs excluded from the administrative county) are for administrative and often also for other purposes separate counties. Boroughs with separate courts of quarter sessions are in some respects treated as distinct from the county in which they are situate. (See Ch. V., pp. 22, 24.)

The Local Government Board can by Provisional Orders made on ^{1888, s. 54.} the representation of county or borough councils, and confirmed by Parliament, unite or divide administrative counties, unite county boroughs with counties, form new county boroughs, or alter the boundaries of counties or county boroughs (b) (c).

The purposes of county organization are twofold, viz. :

(A.) Imperial or judicial purposes, including the maintenance of the

Queen's peace, the local administration of justice, the Militia, and Parliamentary representation.

- (B.) Local government or administrative purposes. As has been explained above, the area of the county often differs for administrative and non-administrative purposes, the general rule being that the county boroughs remain in their old county for other than administrative purposes.

A. The organization of a county for imperial or judicial purposes consists of the following persons and bodies :—

- (1) A lord lieutenant appointed by commission. He was up to 1871 the commander of the county militia, yeomanry, and volunteers. He still recommends to first commissions, and appoints deputy lieutenants.
- (2) A *custos rotulorum* (keeper of the records) who is usually appointed by commission under the Great Seal. He is usually the same person as the lord lieutenant, is the principal justice of the county, and also recommends persons for the commission of the peace.
- (3) A sheriff, now annually selected by the Crown out of three persons (having lands in the county) nominated by the judges and privy councillors at the Royal Courts of Justice, and appointed by warrant signed by the clerk of the Privy Council. The sheriff is the principal representative and agent of the Crown in the execution of the law, and in that capacity summons juries, tries compensation cases, and (as executor of Crown writs) executes the writs of the superior courts. He is also the returning officer in county elections, and in borough elections on the default of the borough returning officer. He cannot during his term of office act as a justice. He must appoint an under-sheriff(*d*).
- (4) Justices, qualified by an estate in possession of £100 a year or by one in reversion, &c., of £300 a year, or by two years assessment to the inhabited house duty at £100, and appointed by a commission of the peace for the county issued under the Great Seal(*e*). The Court of General or Quarter Sessions is held by all the justices in and for the county. A Court of Petty Sessions consists of any two or more justices of the county acting together. A Court of Special Sessions is a petty sessions summoned for a special purpose by notice to all the justices of the petty sessional division. The justices in each petty sessional division have

(2) ORGANISATION FOR IMPERIAL AND JUDICIAL PURPOSES.

1882, c. 49,
s. 29.

1845, c. 1.
1888, c. 21.

1887, c. 55.
1888, c. 41,
s. 46.

1745, c. 20.
1875, c. 54.

1879, c. 49,
s. 20.

one paid clerk. The duties of the county justices both in and out of quarter sessions are now almost entirely judicial, the recent Local Government Acts having transferred their administrative powers to the county and district councils. But the quarter sessions still license private lunatic asylums and drunkards' retreats, and appoint the county licensing committee for confirming the grant of new liquor licenses (see Chs. XI., XII.). They also appoint the visitors of local prisons, who have to authorize certain punishments and report to the Secretary of State. The justices in special sessions still grant licenses for the sale of intoxicating liquors and for public billiard-rooms, and revise jury lists, and (out of sessions) allow rates.

1877, c. 21,
ss. 13-15

- (5) A clerk of the peace, formerly appointed by the *custos rotulorum* as his deputy, but now by the standing joint committee. 1888, c. 41, s. 30.
- (6) A coroner or coroners, a judicial officer chosen in pursuance of the Queen's writ, formerly by the freeholders, and now by the county council. His duties are to hold enquiries in cases of sudden death and treasure trove, and to act in lieu of the sheriff (when interested) in executing writs (*f*). 1887, c. 71.
1883, c. 41, s. 5.

Every county at large (except Rutland) is divided for judicial purposes into petty sessional divisions, each of which may consist of any number of parishes or parts of parishes. The distribution of divisions is often customary, but may be made by the quarter sessions, and it cannot be altered for three years from its making. An area cannot be made a petty sessional division unless five justices reside or usually act within it. Any magistrate of the county is legally capable of acting in any division of the county, but it is a settled practice that, except in exceptional cases, a magistrate only acts at petty sessions in his own division. Each petty sessional division, excluding boroughs with a separate commission of the peace, is a separate district for the granting of licenses for the sale of intoxicating liquors. (See Ch. XI.)

*Petty Sessional
Divisions.*
1828, c. 43.
1836, c. 12.
1859 (2), c. 65.

B. Every administrative county is governed by a County Council, consisting of a chairman, vice-chairman, county aldermen, and county councillors. The number and apportionment of the county councillors are fixed by the Local Government Board, and the number of aldermen is one-third that of the councillors. The councillors are elected all together for the term of three years, and the aldermen hold office for six years, half of them going out on the election of a new council. For the election of councillors the county is divided into single member electoral divisions, which are arranged mainly with a view to population and the boundaries of boroughs and other county districts, and are

(3) ORGANIZA-
TION FOR AD-
MINISTRATIVE
PURPOSES.
1888, cc. 10, 41.
1891, c. 68.

subject to alteration by the Local Government Board. The county electors are the burgesses in boroughs, and elsewhere are persons duly registered in respect of the necessary qualification, which involves occupation of a building of any value or land worth £10 a year in the county, and also residence in or within seven miles of it. The elections are conducted by ballot, and the expenses paid out of the county fund. A person is not qualified for being a member of the county council unless he is registered as a county elector, or as an owner of property on the Parliamentary register, or is a peer owning property in the county, or occupies property in and resides within fifteen miles of the county. An unmarried woman may be a county elector, but a woman is not qualified to be a county councillor.

The county council must hold at least four meetings a year, including the annual statutory meeting in March, at which the chairman, vice-chairman, and county aldermen are chosen. The chairman is *ex officio* a county justice. The council appoints a county treasurer, one or more county surveyors, one or more county coroners, inspectors of weights and measures, certain analysts, and other paid officers, and it may appoint a county medical officer of health.

1888, ss. 28,
80-82.
1893-4, c. 73,
s. 64.

The council must appoint committees for finance, lunatic asylums, allotments, and small holdings, and may appoint any other committees for general or special purposes either out of its own members, or jointly for matters of joint concern with other councils of counties or county boroughs. The council may delegate to these committees any executive powers except those of raising rates or loans, and may also delegate powers to district councils and employ them as agents for administrative matters in their districts. The powers of a county council for the licensing of theatres, or the execution of the Explosives or Diseases of Animals Acts can be delegated to the justices in petty sessions.

For police and certain other purposes a Standing Joint Committee is appointed by quarter sessions and the county council, consisting of an equal number of members of each body. This committee is, both administratively and financially, practically independent of the appointing bodies, though it reports to them both and has to raise its money through the county council. It appoints the chief constable, and the clerk of the peace, who is also clerk of the county council.

*Powers and
Duties.*

The principal powers and duties of the county councils relate to county finance, assessment and rating, pauper lunatic asylums, county bridges and main roads, reformatories and industrial schools, weights and measures, diseases of animals, allotments and small holdings, technical instruction (and in Wales and Monmouth secondary education), the arrangements for registering and polling parliamentary

and county electors, and the alteration of the various administrative areas within their county. They have certain sanitary duties, mainly by way of control over the district sanitary authorities under the Rivers Pollution, Housing of the Working Classes, Isolation Hospitals, and Public Health Acts. (See Chs. VIII., IX., XI., XII., XV., XVI., XVII., XIX., XX.) They may make bye-laws for the good government of their county, including the suppression of nuisances. They may oppose (but not promote) Bills in Parliament, may take legal proceedings against railway companies and other bodies on behalf of the inhabitants of their county, and may pay the expenses of inquiries by the Charity Commissioners into charities appropriated for the benefit of the county or any part of it. They may also exercise such powers of Government Departments as may be transferred to them by Provisional Order or Order in Council.

1888, ss. 15, 16.
1891, c. 12.

The standing joint committee and not the county council deals with county property and officers partly of a judicial character, *e.g.* shire-halls, police courts, and the salaries of justices' clerks.

Each administrative county is divided into county districts, urban and rural (see Chs. III., IV.). Every municipal non-county borough is an urban district. But the powers of the county council with respect to boroughs and other urban districts are not so extensive as in the case of rural districts, *e.g.* the county council cannot make an order affecting the boundaries of a borough or the apportionment of councillors in a borough, while in sanitary matters there is as a rule no appeal from an urban authority to the county council. In many counties there have been highway districts distinct from these county districts, but these will shortly disappear under the operation of the Act of 1894 (*g*).

1893-4, s. 25.

The county council is a corporation for the purpose of holding and managing all county property, subject to the control of the Local Government Board. With the consent of that Board the council may borrow for permanent works, the purchase of lands and buildings, aiding emigration, and other public objects. It may issue county stock, and contract loans for terms not exceeding thirty years; but cannot (except for the purpose of the Small Holdings Act, or of lending again to parish councils), borrow without a Provisional Order confirmed by Parliament, whenever their total debt amounts to one-tenth of the annual rateable value of property rated to the county rate. At the beginning of every local financial year (*i.e.* on or after the 1st of April) an annual budget must be submitted by the finance committee to the council. The accounts of the county council and standing joint committee are annually audited by district auditors appointed by the Local Government Board (see Ch. XX, p. 103). Abstracts of the

Property and Finance.
1888, ss. 61-74.

audited accounts must be published and sent to the Local Government Board and to guardians of unions.

County Rev.
1852, c. 81.
1853, c. 33.
1866, c. 75.
1877, c. 64.
1893, c. 41.
ss. 2, 8, 24.

The ordinary expenditure of the county is defrayed out of the county fund, which is supplied principally out of a county rate largely supplemented by contributions from the Imperial Exchequer and sometimes from adjoining county boroughs (*h*). The county rate is levied according to an assessment made by the county council, not on individual properties, but on the several parishes in the county. A committee of the county council ascertains the total of the net rateable value of each parish (for which purpose it is not bound by the poor rate valuation, see Ch. XX., p. 103), and apports the whole amount required accordingly, and precepts for the amount required from a parish are sent to the guardians of the union in which it is included. The guardians pay the amount to the county treasurer and recover it from the overseers, who raise it in the parish by poor rates.

1888, s. 63.

For "general county purposes" a general county rate is made over the whole administrative county. For a "special county purpose" (one by which a part of the county is not benefited, and from contributing to which it is exempt) a special rate is made over the area liable to contribute. In many counties special rates are levied for police, lunatic asylums, coroners and other matters. There may be several special rating areas in a county, and for each a separate rate must be levied and a "special county account" must be kept by the county treasurer.

1888, s. 69.

County councils have general powers for borrowing money, with the sanction of the Local Government Board, for the purchase of land or erection of buildings, or for other permanent works, or for consolidating their debts, or making advances to other bodies, up to one-tenth of their rateable value. When that limit is passed, a Provisional Order confirmed by Parliament is generally required. (See further, as regards loans, Ch. XXI.).

NOTES.

Ancient and Administrative Counties.

1888, s. 100.

s. 31.

ss. 59, 59.

s. 46.

Note (a). The "administrative county" (*i.e.*, the area for which a county council is elected), differs from the ancient county mainly in the exclusion of the "county boroughs," *i.e.* of all, or nearly all, municipal boroughs with a population of 50,000 or upwards, and also of a few with a population below that limit (see p. 26, note (*h*)). There are also 43 boroughs and urban districts which were situated in more than one ancient county, and are now included, both for administrative and judicial purposes, in the county which contained in 1881 the larger portion of the population. Two of the new administrative counties (Isle of Ely and Soke of Peterborough) were formerly liberties, and have (with the exception of a common Lord Lieutenant and a common sheriff) a separate judicial as well as

administrative organization from the counties of Cambridge and Northampton. The ridings of York and the divisions of Lincoln have also as heretofore a separate judicial organization, except for sheriff, coroners and assizes, and (in the case of Lincolnshire) for Lord Lieutenant and militia. Suffolk and Sussex have each a single Lord Lieutenant, *custos rotulorum*, sheriff, and commission of the peace for the whole county, and each is a single county for the purpose of coroners; but in the latter county, under an Act of 1865 (c. 37), quarter sessions are held in each division, and a justice does not usually act outside his own division. In Suffolk also two courts of quarter sessions are held. The Isle of Wight was constituted a separate administrative county by a Provisional Order Act of 1889, 1889, c. clxxvii. but for other than administrative purposes still forms part of the county of Southampton (Hampshire). The Scilly Isles have a separate council, but are not 1888, s. 49. technically a separate county. The result of the Act of 1893 was that in 1893 1893, c. clxxvi. there were only 14 administrative counties exactly co-extensive with the ancient county of the same name. (See Census, 1891, general report, pp. 3, 4.)

Note (b). There were formerly many detached parts of counties, and also many liberties independent of any county. But by various Acts these are now nearly all merged in the adjoining counties. Of the liberties the Isle of Ely and the Soke of Peterborough are now separate administrative counties. The liberties still remaining seem to be Ripon in Yorkshire and the Cinque Ports in Kent and Sussex, but their only remaining privileges consist in the appointment of certain justices and other judicial officers, and the jurisdiction of the county justices is not excluded.

Liberties.
1844, c. 61.
1850, c. 105.
1883, c. 18.
1888, c. 41,
ss. 48, 59.

The ancient division of counties into hundreds, lathes, wapentakes, &c., is nearly obsolete; but the parliamentary and petty sessional divisions of counties are sometimes founded upon it, jury lists have still to be arranged by hundreds, and the hundred is sometimes still separately liable (e.g. in Lancashire) for its own bridges and main roads, and for the expenses of certain courts. In these latter cases, the county council may levy a hundred rate. The appointment of high constables for hundreds was practically abolished (with certain savings) by an Act of 1869.

Hundreds, &c.
1825, c. 50,
s. 12.
1878, c. 77,
s. 20.
1883, ss. 3, 11,
47.
1869, c. 47.

Note (c). Other kinds of counties occasionally recognized are:—

1. *Registration Counties*, which are only aggregates of poor law unions formed for the registration of births and deaths, the census, and other statistics.
2. *Parliamentary Counties*, a term which since 1885 includes any division of an ancient county returning a member to the House of Commons. In some cases these are no longer conterminous with the judicial and administrative county, owing to recent changes in the boundaries of the last-named area.
3. *Counties of Cities and Towns*. See p. 26, note (h).
4. *County Boroughs*. See Ch. V., p. 24.
5. *Police Counties*, i.e., the administrative county, excluding boroughs or other areas maintaining a separate police force, and subject to a power of transferring outlying areas from one county to another for police purposes (see Ch. X., p. 51). The expenses of the county police are payable out of a separate police rate, raised in a similar way to the county rate, but leviable only over the area policed by the county.

*Other
"Counties."*
1885, c. 23,
s. 33.

Note (d). Cambridgeshire and Huntingdonshire have a common sheriff chosen alternately from either county. Yorkshire and Lincolnshire have each a single sheriff. The sheriffs of Cornwall and Lancashire are respectively appointed

Sheriff.
1887, c. 55,
ss. 32, 33.

by the Duke of Cornwall and the chancellor of the Duchy of Lancaster. In counties of cities and towns and the county borough of Oxford sheriffs are appointed by the town council.

Justices.
1856, c. 2.
1888, c. 41, s. 2.
1893 4, c. 73,
s. 22.

Note (e). There are also some county justices ex officio or by Act of Parliament or by Charter, *e.g.*, the Commissioners of Metropolitan police are justices for several counties. Judges and Privy Councillors are ex-officio justices. The chairmen of the county council and of each district council within the county are ex-officio justices for the county during their term of office.

See as to General and Quarter Sessions in Lancashire, the local Act, 1798, c. lviii; as to Sussex, 1865, c. 37; Berwick-on-Tweed, 1836, c. 103, s. 6; Hertfordshire and St. Albans, 1874, c. 45; Kent, 1814, c. civ.

Coroner.
1860, c. 116,
s. 4.
1887, c. 71.
1888, c. 41, s. 5.
1892, c. 56.

Note (f). The county coroner has a freehold office and is paid by salary out of the county rate. He appoints a deputy who is paid by fees.

A large county is usually divided into districts, by Order in Council made on petition of the county council; and a separate coroner is then appointed by the county council for each district, and as a rule acts only within his district, but is coroner for the whole county. Yorkshire, Lincolnshire, Suffolk and Sussex are each a single county with respect to coroners. The Act of 1888, however, provided for the coroner's districts being adjusted so that each might be wholly within one administrative county.

In some places "franchise coroners" are appointed for manors, hundreds, parishes, etc., by lords of manors or other persons, and such coroners are often paid out of the county or local rate. Coroners for quarter sessions boroughs are appointed by the council, and paid by fees.

1882, c. 50,
s. 171.

*County Councils
and minor
authorities.*

Note (g). The county council has considerable powers of control in minor matters over the inferior administrative authorities in its county. Thus it may in certain cases establish and dissolve parish councils in small parishes, and group, alter, unite and divide parishes, and fix the number of councillors. It may confer on parish meetings any of the powers of parish councils, may determine questions as to parish documents and charities, may lend money to parish councils, and must consent to all parish loans. In the case of both district and parish councils certain disqualifications of councillors may be removed, and difficulties as to elections settled, and a scale for the expenses of elections fixed, by the county council. That council may also, on complaint by a parish council or electors that a rural district council has neglected its duties respecting sanitary matters, highways, or allotments, or the protection of rights of way, &c., proceed to perform those duties itself, or order the district council to perform them.

1893-4, ss. 36,
6c.

The county council has as a rule no powers of control over boards of poor law guardians, but may alter the number of guardians and combine and divide parishes for poor law elections, and may make orders to be confirmed by the Local Government Board for the alteration of a poor law union in the county. It is the duty of county councils to make all such orders dealing with areas and boundaries as are necessary for bringing the Local Government Act, 1894, into operation, and from the expiration of two years from the passing of the Act or any later date allowed by the Local Government Board, that Board is to assume the powers of the council for this purpose.

Note (h). For some account of the contributions made from imperial sources to the revenue of local authorities see Ch. XXII., pp. 113, 114; and as to the contributions from county boroughs to the county fund, see p. 24.

PART II.

MATTERS OF LOCAL ADMINISTRATION.

CHAPTER VII.

POOR-LAW ADMINISTRATION.

- (1) *Poor Relief.*
- (2) *Settlement.*
- (3) *Expenses and Rate.*

THE unit for purposes of poor relief is everywhere the "union" (including a parish organized as a union) and the guardians of the union are the authority. The organization of the union has been already sufficiently explained. (See Ch. II.)

The principle of the Poor Laws may be shortly stated thus:—Every person who is unable to support himself has a right to relief, in the first instance in the place in which he is, and then in the place to which he is legally removable; and such relief is to be administered by boards of guardians and overseers subject to the control and regulations of the Local Government Board, the money being raised by rates levied on real property.

Poor relief is given by the guardians, except in case of urgent necessity, when an overseer may relieve, or, on the refusal of an overseer, a justice. The value of relief so given may be recovered from those persons who are liable to maintain the person relieved. The parents, grand-parents, children, and grand-children of a pauper are all liable for his maintenance, but a man is primarily liable to support his wife and children, and a widow, unmarried woman, or married woman with separate property is similarly liable to support her children or husband and children, as the case may be. Guardians may assume parental authority over pauper children who have been deserted by their parents.

Poor relief is given either in or out of the workhouse, but no out-relief may be given except in accordance with Statute or Order of the Local Government Board.

(1) POOR.
RELIEF.
1601, c. 2.
1662, c. 12.
1819, c. 12.
1834, c. 76.
1842, c. 57.
1844, c. 101.
1846, c. 68.
1847, c. 109.
1848, c. 110.
1849, c. 103.
1850, c. 101.
1851, c. 105.
1861, c. 55.
1865, c. 79.
1866, c. 113.
1867, c. 106.
1868, c. 122.
1871, cc. 70, 108.
1874, c. 54.
1876, c. 61.
1879, cc. 6, 54.
1882, cc. 36, 58.
1889, c. 56.
1894, c. 25.
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1601, s. 6.
1834, ss. 56, 57.
1848, s. 8.
1868, s. 33.
1882, c. 75, ss. 20, 21.

Out-relief may be legally given in various forms : viz., in money or kind (bread, clothes, &c.), in medicine or surgical appliances, by apprenticing or assisting to educate children, by allotting land or aiding emigration. The payment by guardians of school fees for the children of non-paupers, and of vaccination expenses, is not to be deemed poor relief, and the receipt of medical or surgical relief is not to disqualify for certain elections.

1876, c. 79,
s. 10.
1867, c. 84,
s. 26.
1885, c. 46.
1893, c. 68, s. 23.
1601, s. 4.
1834, ss. 23—
25.

In-relief is given inside the workhouse. Under the old Poor Law Acts the churchwardens and overseers of each parish were bound to provide "houses of dwelling for the impotent poor." And now the Local Government Board, with the consent of the guardians of a union or parish, may order a workhouse to be built, and may without such consent order an existing workhouse to be enlarged and altered, and may also authorise loans (within certain statutory limits) to be raised by the guardians for these and like purposes. A workhouse is managed by the guardians subject to the regulations of the Local Government Board. Besides the regular inmates, the Poor Laws provide for the relief of the wayfaring poor in casual wards, subject, however, in their case to certain liabilities to detention and forced labour. Instead of (or in addition to) providing a workhouse the guardians may contract for the support of their paupers in the workhouse of another union. They may also board out pauper children and send them to schools certified by the Local Government Board, and may provide hospitals and dispensaries for the poor. (As to pauper lunatics and district schools see Chs. XII., XVII.).

1834, s. 42.

1871, c. 108.
1882, c. 36.

(2) SETTLEMENT.

1834, s. 79.
1865, s. 2.

See especially
1846, s. 1.
1861, s. 1.
1865, s. 8.
1876, ss. 34, 35.

The place in which a poor person is entitled to be *permanently* relieved is the place in which he has a settlement, or (if he is irremovable) the place in which he is resident at the time of becoming chargeable. If a pauper is "removable," the guardians of the union to which he becomes chargeable may obtain an order of removal from the justices to send him back to his place of settlement.

The law of settlement depends on many statutes and judicial decisions, but has been much simplified by recent legislation. Speaking generally, it is as follows :

- (i.) A person becomes irremovable from (*i.e.*, entitled to permanent relief in) a parish after one year's residence.
- (ii.) A person acquires a settlement in a parish after three years' residence.
- (iii.) A woman on marriage takes her husband's settlement if that is known.
- (iv.) A child under 16 cannot acquire a settlement, but takes its settlement from its father (if legitimate) or mother (if illegitimate).

Higworth v. Westbury Guardians, &c.
14 App. Ca. 465.

mate or its father is dead), and, after attaining 16, retains that settlement until it acquires another. If its parents' settlement is not known, it takes its settlement from the place of its birth.

Though the parish is still the legal unit of settlement, yet the union is practically the unit since the Union Chargeability Act of 1865, which spread the expenses of poor relief over the wider area, and thus deprived the law of settlement of much of its former importance.

The cost of poor relief is now, under the Union Chargeability Act (which applies to all unions under the Act of 1834, and may be applied to any union under a local Act by order of the Local Government Board), entirely chargeable on the common fund of the union (*a*) (*b*). This fund is formed by contributions from the several parishes within the union in proportion to their rateable value as determined by the last valuation list. (As to valuation, see Ch. XX.) The parish contributions are raised by the poor rate levied by the overseers on the precept of the guardians.

The poor-rate is levied by a uniform assessment or poundage on the net rateable value of all the lands, houses, mines, &c., and tithe rent-charge in the parish. The overseers, when proceeding to make a poor-rate, copy the valuation list or the former poor-rate with amendments, adding to it a statement of the number of shillings or pence in the pound which will produce the required sum, and a column showing the amount to be paid by each occupier, and another column for arrears and sums excused. The document so filled up is properly called an "assessment." A declaration of its correctness is signed by the overseers, and it is submitted to justices for their allowance (which cannot be withheld if the rate is in proper form). When allowed it becomes a "rate," and it must be published and inspection of it must be permitted to ratepayers and certain authorities. The amount due from any person ought to be demanded in writing (*c*).

Poor Rate.
1836, c. 96.
1862, c. 103,
s. 30.
1869, c. 41,
s. 17.

The poor-rate was originally in theory a contribution by inhabitant occupiers according to their ability, and not only land but stock-in-trade was rated in many places. The rating of stock-in-trade has ceased since 1840. The Rating Act, 1874, made plantations and woods, rights of sporting, and mines of every description, rateable to the poor and other local rates. Woods, stone quarries, and mines other than coal mines, had been previously rateable for highway purposes only (*d*).

1840, c. 89 (continued by Expiring Laws Continuance Acts).
1874, c. 54.

Guardians may borrow money with the consent of the Local Government Board for any permanent work or object, or for anything the costs of which ought in the opinion of that Board to be spread over a term of

1889, c. 56, s. 2.

years, but their whole debt is not to exceed one-fourth of the annual rateable value of the union, except so far as may be specially authorised (up to one-half of the rateable value) by Provisional Order confirmed by Parliament.

NOTES.

Common fund.
1884, s. 28.
1861, s. 6.
1862, ss. 38, 39.
1865, ss. 1, 9.
1876, c. 79,
s. 31.
1890, c. 5.
ss. 286, 294.

Note (a). (i.) The following expenses are now all chargeable on the common fund of a union:—

workhouse and establishment charges,
relief of poor (both indoor and outdoor),
vaccination and registration expenses,
expenses of assessment and school attendance committees,
election of guardians (general expenses),
prosecutions by guardians,
charges of pauper lunatics, settled in or irremovable from the union.

(ii.) Among the few items of expenditure connected with the administration of the poor law which are still chargeable to separate parishes are—

1893-4, c. 73,
s. 48, (4) (c).

salaries of parish rate-collectors and assistant overseers,
special expenses of contested elections of guardians.

N.B.—The common fund out of which the expenses of a school attendance committee are paid is separate from the common fund for poor-law purposes, but is raised in the same way, by contributions from the several parishes.

Expenditure.

Note (b). For expenditure in 1891-2 on poor-law purposes in England and Wales see Table E, pp. 124, 126.

Compounding.
1819, c. 12.
1869, c. 41.

Note (c). Poor and all local rates are ordinarily paid by the occupier of the lands, &c. on which they are leviable. But in the case of small house property, it has been found necessary (in order to save excessive inconvenience and expense) to make the owners "compound," i.e., pay rates instead of the occupiers, on being allowed a reasonable reduction. Thus under the Act of 1869 owners of tenements rated at not more than £8 (higher limits are allowed in London, Liverpool, Manchester and Birmingham) may by agreement with the vestry (in a rural parish the parish council, or if there is no council the parish meeting) compound at a reduction of 25 per cent., or may be compelled by the vestry (or council or meeting) to compound at a reduction which may amount to 30 per cent. (i.e., 15 per cent. if the rates are only paid on occupied tenements, with a further deduction not exceeding 15 per cent. more, if the owners agree to pay rates on all their tenements whether occupied or not). The occupiers' names are to be inserted in the rate, and they are qualified as parliamentary or local government electors, as if they paid

the rate. And under the Act of 1819 (not applicable in a parliamentary borough) a vestry (or parish council or meeting) may enforce compounding by the owners of dwellings let for terms less than a year or at shorter than quarterly rents, the rents being not less than £6 nor more than £20. The composition may be at one-half the rent or more.

The Act of 1869 applies only to the poor rate; but its provisions for compounding were afterwards applied to highway rates, and somewhat similar provision is made with respect to the general district rates by the Public Health Act.

By the Poor Rate Assessment Act of 1869, occupiers for terms of not more than three months may deduct poor rates paid by them from their rents, and by the Rating Act, 1874, ss. 5, 7, occupiers of woods and mines are allowed to make similar deductions. Section 6 of the latter Act, relating to sporting rights, is an instance of owners being rated directly.

1882, c. 27.
1875, c. 55.
s. 211.

1869, c. 41.
cp. 1875, c. 55,
s. 214.
1874, c. 54.

Note (d). There are some exemptions from liability to the poor-rate.

Exemptions.

(i.) See—

1814, c. 170, s. 11, as to the power of justices with the consent of the overseers to excuse indigent persons.

1833, c. 30, as to churches and certified chapels, so far as used exclusively for religious services or for Sunday or charitable schools.

1843, c. 36, as to certified scientific and literary societies.

1863, c. 65, s. 26, as to volunteer storehouses.

1869, c. 40. Power to rating authorities to exempt premises used exclusively for Sunday or ragged schools without profit.

(ii.) Lands acquired for burial grounds under the Burial Acts are not at any time to be assessed at a higher value than their assessed value when so acquired.

1855 c. 123,
s. 15.

(iii.) Lands, &c., in the occupation of the Crown or Government are not rateable, but contributions in lieu of rates are annually made out of money voted by Parliament.

(iv.) Some local Acts contain particular exemptions.

Several of the above exemptions extend to other rates besides the poor-rate.

See also the Lands Clauses Consolidation Act, 1845, c. 18, s. 133 (and many similar provisions in local Acts), by which railway and other companies are bound to make good deficiencies of rates during the progress of their works.

CHAPTER VIII.

PUBLIC HEALTH.

- (1) *Sanitary and other Purposes.*
- (2) *Expenses.*
- (3) *Port Sanitary Authorities.*

(1) **SANITARY
AND OTHER
PURPOSES.**
1875, c. 55.

The various matters administered by the councils of county boroughs, and by urban and rural district councils, as "sanitary authorities," under the Public Health Act, 1875, and amending Acts may be roughly classified as follows :—

- | | | |
|--|---|--|
| <p style="text-align: center;">A.</p> <p>Urban and rural
councils.</p> | { | <p>(i.) Sewerage and drainage.</p> <p>(ii.) Water supply.</p> <p>(iii.) Inspection and prevention of nuisances.</p> <p>(iv.) Inspection and regulation of lodging-houses and cellar dwellings.</p> <p>(v.) Provision of hospitals, cemeteries, and mortuaries, and powers in respect of infectious diseases.</p> |
| <p style="text-align: center;">B.</p> <p>Urban councils
only.</p> | { | <p>(vi.) Maintenance, cleansing, and improvement of streets and roads.</p> <p>(vii.) Town improvements (new streets, bridges, parks, markets, &c.)</p> <p>(viii.) Lighting.</p> <p>(ix.) Regulation of traffic, hackney carriages, fires, &c.</p> |

These matters are administered under an elaborate code of laws, which form the most important department of administration entrusted to the district councils, but of which only an outline can here be given :

*Sewerage and
Drainage.*
1875, ss. 13—41.
1883, c. 37.

(i.) Councils of county boroughs and district councils have full powers, and it is their duty to provide a proper system of sewerage, and to enforce the drainage of houses and the provision of proper sanitary conveniences.

Water.
1875, ss. 51—70.
1878, c. 25,
s. 10.
1883, c. 37.

(ii.) They may provide a water supply, and charge water rates, or supply water by measure, and may require houses to be supplied with water.

(iii.) It is their duty to make inspection of their districts for the detection of nuisances, and to put in force as occasion may arise the powers with which they are invested so as to secure the proper sanitary condition of all premises within their districts. They may make bye-laws for the removal of house refuse and cleansing of foot pavements by occupiers, or they may, and if required by the Local Government Board must, undertake this work themselves. They have summary powers for the abatement of nuisances (including the prevention of overcrowding in houses and of the emission of smoke in excessive quantities from buildings other than dwelling-houses).

Nuisances.
1875, ss. 42—50,
91—119.
1885, c. 72,
ss. 7—10.

These summary powers can be enforced (subject to appeal to quarter sessions) by order of a court of summary jurisdiction, which, in addition to imposing a fine, may require the discontinuance or prohibit the recurrence of a nuisance, and direct the execution of any works necessary for either of those purposes, and may further, by a "closing order," prohibit the use of any building for human habitation until it has been rendered fit for that purpose.

These councils have also to prevent the pollution and choking-up of streams and the use of unwholesome drinking water. Under the Rivers Pollution Prevention Act, 1876, they are required to afford facilities for drainage from manufactories into their sewers. This Act is enforceable by county councils as well as by district councils, and a joint committee of county councils can be appointed for the preservation of a river passing through several counties.

1875, ss. 69, 70.
1876, c. 75.
1893, c. 31.

County borough councils and district councils are also required to provide for draining off acid from works to which the Alkali, &c., Works Regulation Acts apply, at the request and expense of the owner; and they may complain to the Local Government Board of nuisances arising from such works, and apply for an additional inspector.

1881, c. 37.
1892, c. 30.

(iv.) As regards the inspection and regulation by these authorities of cellar dwellings and lodging-houses under the Public Health Acts, see Ch. XVI., p. 81. That chapter deals also with the kindred subject of the housing of the working classes, which, though treated in a separate branch of legislation, is closely connected with the law of Public Health.

Lodging Houses,
&c.

(v.) They may provide hospitals, and means of conveyance for infectious patients, and cause premises to be purified and disinfected, and take measures to check the spread of infection, and to secure cleanliness in cowsheds, dairies, and milkshops; and they may provide mortuaries and cemeteries. They may with the consent of the Local Government Board provide temporary medical assistance for the poor; and it is their duty to enforce the regulations of that Board in case of an epidemic.

Hospitals, &c.
1875, ss. 46,
120—143.
1878, c. 74,
s. 34.
1879, c. 31.
1886, c. 32, s. 9.

1893, c. 68. Isolation hospitals may, on their application, be provided by county councils for specially formed "hospital districts" under the management of representative committees, the expenses in each case being charged on the particular district, but the county council may contribute to the expenses if it thinks it expedient to do so for the benefit of the county.

The foregoing matters are under the control of both urban and rural councils, though in some particulars the urban powers are somewhat the wider. The following matters are provided for, primarily, in county boroughs and urban districts only; but the Local Government Board may invest a rural council, as regards either their whole district or any contributory place, with any of the powers of an urban council (a).

Streets.
1875, ss. 42, 44,
144, 148—160.
1888, c. 52.
1892, c. 57.
(vi.) Urban councils are the highway authorities for their districts (see Ch. IX.); they may provide for street scavenging and watering; they have to maintain and may improve the streets and take over new streets, and may compel the sewerage, paving, &c., of streets which they have not taken over.

Town Improvements.
1875, ss. 146—7,
154—160, 164
—70.
1888, c. 52.
(vii.) They have powers with regard to the making of new streets and bridges and the position and construction of new buildings, and may make bye-laws regulating these matters; they may purchase and lay out public pleasure grounds (see Ch. XIV., p. 72), and provide market places and slaughter-houses.

Lighting.
1875, ss. 161—
3.
1883, c. 37.
(viii.) They may contract for the lighting of their streets, and if necessary may supply the light themselves.

Miscellaneous.
1875, ss. 171—2.
1889, c. 14.
(ix.) By the incorporation of certain sections of the Towns Police Clauses Act, 1847, they have powers with respect to obstructions and nuisances in streets, and with respect to fires, places of public resort, hackney carriages, and public bathing; and they may license horses, pleasure boats, &c., and make bye-laws for their regulation.

1878, c. 25. On the other hand, the Public Health (Water) Act, 1878, applies primarily to rural districts only, but may be extended by the Local Government Board to urban districts. This Act enables the district council to compel owners of houses to supply their property with water, subject to an appeal to petty sessions or the Local Government Board.

1875, s. 110.
1885, c. 35,
s. 2.
1877, c. 60.
1884, c. 75.
1885, c. 72, s. 9. Many of the provisions relating to nuisances and to infectious diseases apply to ships lying within or near a county borough or district, as well as to houses. And the councils of county boroughs and districts have special powers for the registration and inspection of canal boats, and for securing by bye-laws and otherwise the sanitary condition of tents and other movable and temporary dwellings.

Any districts or parts of districts may by Provisional Order be formed into a united district under a joint board for the purpose of water supply, sewerage, or any other purpose of the Public Health Acts. And even without a Provisional Order the councils of adjoining districts may combine for common works. A rural council may, as regards any contributory place, delegate any of its sanitary duties to a parish council, or to a "parochial committee" consisting wholly of members of the rural council, or partly of such members and partly of other persons being members of the parish council, or (if there is no such council) being ratepayers in the place. 1875, ss. 279—235.

A tendency has been shown in recent years to apply the adoptive principle to extensions of the laws relating to public health and some other matters of local administration. Thus every county borough council and district council is entitled by resolution to adopt the Infectious Disease (Notification) Act, and, wherever it is adopted, notice is required, under penalty, to be given to the medical officer of every case of any serious infectious disease occurring in the borough or district. Another adoptive Act enables these councils to check infection by means of the inspection of dairies, and prohibition of the supply of milk from dairies found to be infected, and by other stringent measures. Another (the Public Health Acts Amendment Act, 1890) contains a number of amendments of detail in the sanitary laws, adoptive partly in urban districts only (including county boroughs), and partly in both urban and rural districts, but the Local Government Board may declare any portion of the Act to be in force in any rural district. This Act also enables urban councils to adopt provisions for the prevention of danger from overhead wires, and for the regulation of music halls. Another similarly adoptive Act is the Private Street Works Act, 1892. 1889, c. 72. 1890, c. 34. 1890, c. 59. 1892, c. 57.

In urban districts expenses for sanitary purposes are, generally speaking, borne by the "general district rate," from which, as was shown in a previous chapter, certain kinds of property are partially exempt (see p. 19) (*b*). An urban authority may subdivide its district or any street in the district for any of the purposes of the Public Health Acts, and may levy a rate specially on any part. (2) EXPENSES. 1875, s. 216.

In a rural district, each parish is *primâ facie* a separate "contributory place," and is separately chargeable with its own "special expenses," *i.e.* the expense of providing it separately with water or sewerage, or the expense of any other separate works, or any other expense which the Local Government Board declares to be special (*c*). These expenses are payable out of a special rate, which is levied in the particular parish or place on the same basis as that of the general ss. 229, 230 277.

district rate of an urban district, but is otherwise levied like the poor-rate (*d*). "General expenses" are all other expenses of the rural sanitary authority, and are payable out of the poor-rates of the several parishes in proportion to their valuations (*e*).

(3) PORT
SANITARY
AUTHORITIES.
1875, ss. 287—
292.
1885, s. 3.

The Local Government Board has power, by order, to constitute any sanitary authority whose district forms part of or abuts on a "port," or any commissioners having authority in a "port," the "port sanitary authority." The order may also combine two or more of such bodies (called "riparian authorities") into a joint board to act as the port sanitary authority for one or more "ports." A "port" is any place so appointed by the Treasury for customs purposes under the Act of 1876. But if an order is objected to by any riparian authority, it is provisional only, until confirmed by Parliament.

1876, c. 36,
s. 11.

The district of a port sanitary authority consists of the waters of the port and so much of the districts of the constituent riparian authorities as are named in the order. A port sanitary authority may be invested with any powers given by the Public Health Act, and may delegate its powers to any of the riparian authorities. Subject to the order, the expenses are defrayed as other sanitary expenses, or, where there is a joint board, out of a common fund to which the riparian authorities contribute in proportions fixed by the Local Government Board (*f*).

NOTES.

*Urban Powers
in Rural
Districts.*

Note (a). Urban powers have been conferred on rural councils in a large number of cases by order of the Local Government Board; down to 1886 no less than 644 such orders had been made, and the number is annually increased: 81 such orders were made in 1892, the principal powers conferred relating to the cleansing and watering of streets and the making of bye-laws for nuisances and new buildings.

Rural as well as urban councils will in future, under the Local Government Act, 1894, be the highway authorities throughout their districts (see Ch. IX.)

Rates.

Note (b). The Public Health Act, 1875, contained the following special provisions as to rates:—

1875, ss. 6, 207.

- (i.) In a borough in which the "sanitary" expenses were, before 1875, paid otherwise than out of the borough fund or rate, they were (subject to the provisions of local Acts) to be paid out of a general district rate. But in other boroughs they are paid out of the borough rate without the three-fourths exemptions.
- (ii.) In an improvement Act district in which such expenses had been paid out of a rate in the nature of a general district rate leviable over the whole district, they continued to be so paid.

- (iii.) In an urban district, if the whole district was without public works of paving, water supply and sewerage, roads were to be maintained out of a highway rate. If part was without such works, the roads in that part were to be maintained out of a special highway rate on that part. s. 216.
- (iv.) In an urban district, where the expenses were not payable out of a general district rate, the Local Government Board was authorised on application to declare them so payable, subject to the exceptional highway provisions. s. 208.
- (v.) Private improvement rates were also authorised to be levied on individual occupiers both in urban and rural districts. ss. 213, 232.
Cf. 1892, c. 57.

Note (c). Any area consisting of several parishes or parts of parishes, may be constituted by the Local Government Board a separate "contributory place" (also called a "special drainage district") and becomes separately chargeable with "special expenses." *Contributory place.* ss. 229, 277.

Note (d). "Special expenses" may now in certain cases be defrayed, if the Local Government Board so directs, in like manner as general expenses, *i.e.* without the exemption for certain kinds of property. *Special Expenses.* 1893-4, s. 29.

Note (e). For further details of expenditure for sanitary purposes in 1891-92, see Tables in Ch. XXII. See, also, as to general and special expenses in rural districts, Ch. III., pp. 15-16. *Expenditure*

Note (f). In 1892 there were in England and Wales (excluding London) 57 port sanitary authorities, 25 being joint boards. Their total expenditure amounted to about £10,500 for the year ending March, 1892. *Port Authorities.*

CHAPTER IX.

HIGHWAYS.

- (1) *Ordinary Highways.*
- (2) *Main Roads.*
- (3) *Locomotive Acts.*

1835, c. 50.
 1862, c. 61.
 1864, c. 101.
 1878, c. 77.
 1888, c. 41,
 ss. 11, 85.
 1893-4, c. 73,
 s. 25.

THERE are two classes of roads: (1) the ordinary "highway," and (2) the "main road" (*a*). Those of the first class were, in rural districts, managed by several different classes of authorities; but now, by the operation of the Local Government Act, 1894, they are, or at no distant time will be, in rural as well as in urban districts, brought under the control of the district councils (*b*). For those of the second class, the county councils are responsible. In 1892 there were in England and Wales (*exclusive* of urban districts) 20,327 miles of main roads, and 99,862 miles of ordinary highways repairable by the rural highway authorities.

(1) ORDINARY
 HIGHWAYS.

1835, ss. 94—
 99.
 1862, ss. 18, 19.
 1878, s. 10.
 1893-4, s. 16.

It is the duty of highway authorities to keep their highways in proper repair. The ancient remedy for non-repair of a highway was an indictment of the inhabitants of the parish liable to repair it, and that remedy is still applicable. Modern Statutes, however, have provided other and more summary methods of procedure; and orders for the execution of repairs may be made both by the petty sessions and by the county council, and may, if necessary, be enforced by the appointment of a person to execute the work, the cost being charged to the defaulting authority. If, however, the liability to repair is disputed, the question can only be settled by a jury on an indictment (*c*). Parish councils are expressly authorised to bring complaints to the county council of any failure on the part of the district council to keep the highways in good repair.

1835, ss. 51—5.

The highway authority may take stones and gravel for the repair of their highways from any common or waste land in the parish, or, if necessary, from another parish which has more than sufficient for its own roads. If the common and waste lands do not afford sufficient materials, they may be obtained from any other land in the same or an adjoining parish by agreement with the owner, or by licence from the

justices, compensation being paid for the materials taken and for damage done in the taking.

The Acts contain a number of provisions for the maintenance, repair, and regulation of highways, and for the prevention of obstructions and encroachments and the proper conduct of traffic thereon. The erection of sign-posts at crossways may be enforced by petty sessions. The county councils also have certain powers for making bye-laws, chiefly with regard to the form and skidding of wheels, and the erection of gates on highways.

1878, ss. 26, 35.
1888, s. 85.

Provision is made for the widening of highways where necessary, and the compulsory acquisition of land for that purpose. Highways may be diverted, and, if unnecessary for the public use, may be stoppelled up, under certain restrictions and subject to the consent of the parish council or parish meeting being obtained. The highway authority may also, if so authorised by order of petty sessions, discontinue the maintenance of an unnecessary highway (*d*).

1835, ss. 82—
92.
1893-4, ss. 13,
19.

1873, s. 24.

New highways may be dedicated to the use of the public, and taken over by the highway authority by agreement, or by decision of petty sessions.

1835, ss. 23, 62,
93.
1862, ss. 35, 36.
1864, s. 24.
1875, ss. 146
145.

In an urban district which is rated for works of paving, water supply, or sewerage, the highway expenses are paid out of the general district rate (with the three-fourths exemption for agricultural land, &c.); but where the whole or a part of the district is not rated for such works, the highway expenses (either throughout the district or in that part, as the case may be) are met by a separate highway rate, which is levied on the same basis as the poor-rate. In some boroughs, however, these expenses are payable under local Acts out of the borough rate.

The highway expenses of a rural district council are, by the Local Government Act, 1894, required to be defrayed as general expenses (*i.e.* out of the common fund, which is equally levied over the whole district as part of the poor-rate), subject to this exception—that, if the council thinks it just to do so by reason of natural differences of soil or locality, or other exceptional circumstances, it may, with the approval of the county council, divide the district into two or more parts, and charge each part separately with its highway expenditure (*e*).

1893-4, s. 29.

1873, s. 7.

Where extraordinary expenses are incurred through damage caused by any excessive weight or extraordinary traffic passing along a highway, the highway authority is entitled to be reimbursed by the person causing the damage.

1878, s. 23.
Thomas v. Hil,
1893, Q. B. App.
565.
Etherley v.
Auckland (C.A.,
Nov. 1893).

A county council may, if it thinks fit, contribute to the expenses of any highway in the county. County councils and highway authorities may also enter into agreements with one another in relation

1883, s. 11 (10).
1891, c. 63, s. 3.

to the construction, alteration, or improvement of highways (including main roads).

1893-4, s. 13.

A parish council may undertake the repair of any of the public foot-paths in the parish, other than such as are at the side of a public road.

(2) MAIN ROADS.

1878, c. 77.

1888, s. 11.

Main roads are a class of roads created under the Highways and Locomotives (Amendment) Act, 1878, to take the place of turnpike roads. The whole duty and cost of maintaining them attaches, *prima facie* (subject to any existing private liabilities to repair such a road), to the county council, which for that purpose has all the powers of a highway authority. The county council may, however, contract with the highway authority for the maintenance of a main road by the latter authority, or may oblige that authority to undertake the maintenance in consideration of such annual sum as may be agreed on, or settled by arbitration of the Local Government Board. An urban district council may also, within twelve months after the creation of a new main road, claim to retain the power and duty of maintaining it, the county council making an annual payment (as agreed on or settled by arbitration) "towards the costs of the maintenance and repair, and reasonable improvement connected with the maintenance and repair." The county council has powers for enforcing the proper discharge by a highway authority of its obligation to repair a main road (*f*).

Warminster
L. B. v. Wills
C. C., 25 Q.B.D.
450.

Wilts C. C. v.
Marlborough
(Q.B.D. Jan.
1894).

Beds. C. C. v.
Bedford (Q.B.D.
Aug. 1894).

1878, ss. 15, 16.
1891, s. 4.

The county council, on the application of the highway authority, can declare any highway a main road on the ground of its being a medium of communication between great towns, or a thoroughfare to a railway station, or otherwise. And the Local Government Board, on the application of the county council, and in the case of a road within a municipal borough, with the consent of the town council, can by order "dismain" a road and reduce it to the rank of an ordinary highway.

In Lancashire, the main road expenditure is a separate charge on the several hundreds, but in general the expenditure is charged equally over the whole of a county.

(3) LOCOMOTIVE
ACTS.

1861, c. 70.

1865, c. 83.

1878, c. 77,

Part II.

A separate set of Acts regulates the use of locomotives on highways, prescribing the limit of weight and of speed, the breadth and pattern of wheels and other matters, providing for the security and convenience of the ordinary traffic, and enabling county councils to make bye-laws.

NOTES.

Note (a). A third class of road, the "turnpike road," is now practically extinct, *Turnpike Roads.* these roads having been gradually superseded by the main roads. Turnpike roads were managed by trustees, and their expenses used to be chiefly defrayed out of the tolls; but owing to the falling off of this source of income many turnpike trusts became insolvent. By Acts passed in 1841 and 1863 the justices in special sessions were empowered to order contributions from the highway rates towards the repair of turnpikes with insufficient tolls. For a long series of years annual Acts were passed providing for the winding up and dissolution of an increasing number of these trusts; and until 1878, when main roads were created, turnpike roads ceasing to be so became ordinary highways chargeable to the local highway areas. The number of turnpike trusts in England (exclusive of the Isle of Wight) and in North Wales at the end of 1864 was 1,047, comprising 20,189 miles of road; in 1882 the number had diminished to 71, with 2,180 miles of road. On the 1st of January, 1893, only two trusts, embracing about 20 miles of road, remained in existence; and these expire respectively in 1895 and 1896.

Note (b). There were 4 principal kinds of highway areas and authorities:—(1) *Former Highway Authorities.* the highway parish with its surveyor of highways; (2) the highway district, constituted under the Highway Acts of 1862 and 1864, consisting of a collection of parishes, and administered by a highway board, the members of which were partly the resident justices and partly waywardens elected by the several parishes; (3) the rural sanitary district and sanitary authority, which authority might be substituted for the highway board wherever the highway and sanitary districts were conterminous; (4) the urban sanitary district, in which the highways were in every case, as they will continue to be, managed by the urban sanitary authority (now the district council). The Local Government Act, 1894, provides for the transfer of all the powers, duties, and liabilities of any highway authority in a rural district to the district council; but the county council were given power to postpone the operation of this provision in the whole or any part of their county for a term not exceeding three years or any further period allowed by the Local Government Board. The first two of the above-mentioned areas, therefore,—the highway parish and highway district—will in a few years have wholly disappeared, and the rural as well as the urban district council will be the highway authority for the whole of their district.

In 1893, there were 6,477 separate highway parishes; 362 highway districts under highway boards; 42 districts in which the rural sanitary authority was the highway authority. The "highway parish" included many hamlets, villages, tithings, &c., which were not separate poor-law parishes. In 1881, there were in Shropshire 740 highway and only 224 poor-law parishes. (H.L.S.C. Report on Highways, p. 820.)

The general highway organisation did not extend to the six counties of South Wales, each of which was divided into highway districts, under highway boards consisting of resident justices and poor law guardians, each parish in a district being separately charged with the cost of its own highways. The rural highways in the Isle of Wight were managed by a body of commissioners constituted under a local Act.

Note (c). A highway at common law was repairable by those who had the use of it, i.e. the public, and each parish repaired the highways within its limits, *Liability for repair of highways.*

the inhabitants providing the necessary labour and materials. The creation of the office of surveyor (in 1555) made no difference in the liability, but merely regulated the labour, and after a time money payments (rates) came to be substituted for personal labour. (The Acts regulating the performance of personal labour, or "statute duty," were only repealed in 1835.) The first departure from the highway parish as the area of administration was made by the Sanitary Acts in 1848 and 1858. In 1862 highway districts *ad hoc* were first invented, but until 1878 the parishes in a district remained separately chargeable for the expenses of repair. Through all these developments the technical obligation of the inhabitants of a parish to repair their highways and the remedy by indictment continued; and a highway in a highway district, on being dedicated to the public, was still, under the existing Acts, said to become repairable by the parish in which it was situate.

Some highways are repairable, *ratione tenuræ* or otherwise, by private persons and not by the public.

Improvements
1864, ss. 47
50.

Note (d). The Highway Act of 1864 gave powers for the improvement as distinct from the ordinary maintenance and repair of highways, and for borrowing money for that purpose; and these powers apply only in highway districts, and not in parishes separately maintaining their highways. In future these powers will apparently be exerciseable by those rural district councils which have taken the place of highway boards. Urban councils probably can exercise similar powers by virtue of the Public Health Act.

Expenses.
1885, s. 27.
1862, s. 18.

Note (e). The Highway Acts provided for expenses being paid generally in a separate highway parish out of a highway rate levied by the surveyor, and in a highway district out of the poor-rate or a separate highway rate levied equally over the whole district. The highway rate, like the poor-rate, had to be allowed by two justices; and the contributions levied for highway purposes in either a separate parish or a highway district were limited to 2s. 6d. in the £ per annum, which limit could only be exceeded with the consent of four-fifths of the ratepayers; but where the district council is the highway authority this limit does not apply.

The following table shows the mileage and comparative cost in 1891-2 of the rural highways and of those main roads the maintenance of which was undertaken by the rural highway authorities in substitution for the county councils:—

Main Roads.			Ordinary Highways.		
Mileage.	Cost of Repairs.	Average Cost of Repairs per Mile.	Mileage.	Cost of Repairs.	Average Cost of Repairs per Mile.
6,973	£ 325,117	£ s. d. 46 12 6	99,862	£ 1,336,945	£ s. d. 13 7 9

For further particulars respecting highway expenditure, see Table E, p. 124.

Main Roads]

Note (f). Speaking generally, roads which since the 31st of December, 1870, ceased to be turnpike roads became main roads. Until the creation of county councils, main roads continued under the control of the highway authorities, but the county paid half the cost on the certificate of the county surveyor that they were properly maintained.

In 1891-2 the repair of about two-thirds in length of the main roads in England and Wales was undertaken by the county councils themselves.

CHAPTER X.

POLICE.

- (1) *Ancient Police.*
- (2) *County Police.*
- (3) *Borough Police.*
- (4) *Other Police Forces.*
- (5) *Special Constables.*

THE *ancient* police organization of the country consisted of (i.) a high constable for each hundred or other similar area ; (ii.) petty constables (or headboroughs, tithing-men, or borsholders) for townships, &c. ; and (iii.) watchmen appointed in towns under the Statute of Winchester, or appointed in any place by justices of the peace *virtute officii*. In more modern times the appointment and duties of parish constables were provided for and regulated by several Statutes. The whole of this organization is now practically obsolete (a).

(1) ANCIENT
POLICE.
See 2 Hale,
P. C. 96, 97.

The *modern* police organization consists mainly of police forces established since 1839 under the County and Borough Police Acts.

The county police area is, generally speaking, the administrative county, exclusive of those municipal boroughs which have a separate police force. In a few instances, however, the same person is appointed to be chief constable for two or more administrative counties, and in such cases the police forces are sometimes managed, to a great extent, as a single force, though technically they are distinct (b) ; while Lincolnshire has one force as well as one chief constable for its three divisions, each of which forms a separate administrative county. There are also powers for transferring detached and outlying areas from one county to another for police purposes ; and this course has been taken in some instances (e.g. with regard to certain parishes in Gloucestershire, Worcestershire, and Staffordshire) (c).

(2) COUNTY
POLICE.
1839, c. 93.
1840, c. 88.
1856, c. 69.
1857, c. 2.
1859 (2), c. 32.
1865, c. 35.
1888, c. 41,
ss. 9, 24, 25, 30.

The police force for a county consists of a number of officers and men fixed (subject to the consent of the Home Secretary) by the standing joint committee of the court of quarter sessions and county council, a body substituted for this purpose by the Local Government Act,

1888, s. 9.

1888, for the quarter sessions alone. (As regards the constitution of this standing joint committee, see p. 30.) But while the control of the police was in this way given jointly to the justices and the county council, acting through the joint committee, it was expressly declared that nothing in the Act was to "affect the powers, duties, and liabilities of justices of the peace as conservators of the peace, or the obligation of the chief constable or other constables to obey their lawful orders given in that behalf."

The appointment, the general disposition and government, and the dismissal of the divisional superintendents, inferior officers, and men of the county police, are vested in the chief constable, who himself is appointed (subject to the approval of the Home Office), and is removable, by the standing joint committee. But appointments made by him have to be approved by that committee, to whose lawful orders he is also subject in his management of the force. A superintendent is appointed for each petty sessional division or other locality, as may be ordered by the joint committee; the superintendents report to the chief constable, and he sends monthly returns and makes quarterly reports to the committee.

1856, s. 7.
1888, s. 9 (2).

Constables may be required either by the joint committee, or by the quarter sessions, or by the county council, to perform any duties connected with the police, in addition to their ordinary duties.

Expenses.
1840, 1856,
1888, s. 68.

The expenses of the county police force are paid partly out of the exchequer contribution account (see p. 114), and partly by means of county contributions levied over the whole county police area on the basis of the county rate. Down to 1875 a Treasury subvention, limited to one-fourth of the cost of pay and clothing, was made to efficient county police forces. The limitation was subsequently removed, and the subvention was doubled. Now, under the Local Government Act of 1888, each county council annually pays out of its exchequer contribution account to the police account of the county fund a sum equal to one-half of the cost of the pay and clothing of the county police (if efficiently maintained) during the preceding year.

1890, c. 45,
ss. 15, 16.
1890, c. 60,
ss. 1, 4.
1893, c. 10.
1894, c. 51.

Pensions and allowances to constables on retirement through length of service or bodily injury or infirmity are granted under certain conditions out of a separate "pension fund," supported by rateable deductions (not exceeding $2\frac{1}{2}$ per cent.) from the constable's pay, by certain fines and other sums which are handed over to the fund, and by a proportionate payment out of a sum of £150,000 which was allotted by Parliament in 1890 to be annually distributed for this purpose among the county and borough police forces, out of certain duties on beer and spirits.

Though the standing joint committee is the police authority in the county, it is subject, in respect of nearly every part of their police jurisdiction, to the control of the Secretary of State. His consent or approval is necessary for fixing or altering the numbers of the men and officers, in the selection of the chief constable, for establishing rules for the government and duties of the force (these rules must also be laid before Parliament), and for fixing scales of fees and allowances. Moreover, he appoints inspectors, who report to him, and on whose certificate of efficiency the subvention from the exchequer contribution account depends. If this certificate is withheld as respects any county police force, the amount of the subvention is forfeited, and is paid into the exchequer (*d*) (*e*). *Central Control and Inspection.*

1888, s. 25.

By the Municipal Corporations Act, 1882, the watch committee of the council of every municipal borough was required to provide for a sufficient number of police for the borough. The generality, however, of this obligation is subject to important limitations. It has been the policy of the Police Acts to encourage a partial consolidation of county and borough police. With this view the County Police Act of 1840 enabled a municipal borough to agree for combination on the terms that the county chief constable should have the direction and dismissal of the borough police; and by the Act of 1856 it was added that such an agreement could not be terminated without the consent of the Secretary of State, and that a borough with not more than 5,000 population should not receive any Treasury subvention unless it had so consolidated; and that, on the application of a borough, terms of consolidation might be imposed on a county by Order in Council. Since 1877 no new borough with less than 20,000 inhabitants has been allowed to establish a separate police force. And the Local Government Act, 1888, went a step further by extinguishing the police force of every borough with a population, according to the census of 1881, of less than 10,000. At the present time there are also about fifty boroughs with a population above that limit which are policed by the county.

(3) BOROUGH POLICE.
1882, c. 50,
ss. 190—200.

1840, s. 14.
1856, s. 20.

1888, s. 39.

In a borough having a separate police force, the watch committee fixes the number and salaries of the police with the approval of the town council, and it or any two justices can use the power of dismissal. There is no officer or person standing in relation to the borough police in the same position in which the chief constable stands to the county police. The expenses of the borough police are paid out of the borough fund or borough rate, or in certain places out of a watch rate which is limited to 8*d*. The boroughs receive a subvention from the exchequer contribution account for the maintenance of their police in the same manner as the counties, and on the same condition of their police being

1888, s. 25 (2). certified as efficient by the Government inspector. In the case of forfeiture by a non-county borough for inefficiency, the amount of the subvention is retained by the county council, and applied for general county purposes (d) (e).

1893, c. 10,
ss. 2, 8.

In addition to their ordinary duties, the borough police may also be employed to discharge the duties of a fire brigade.

(4) OTHER
POLICE FORCES.
*Metropolitan
Police.*

The Metropolitan police and the City of London police are governed by their own statutes. The whole of Middlesex and parts of Surrey, Kent, Essex, and Hertfordshire, are within the Metropolitan police district, and the constables of that force have power to act within these counties and also in Berkshire and Buckinghamshire, and on the whole of the lower Thames. The Royal dockyards also are in charge of a branch of the Metropolitan police (f).

Certain towns had police forces constituted under local Acts, for which a special saving was made by the Police Act of 1856; but Hove in Sussex is the only place now having such a force.

Canals.
1840, c. 50.

By an Act of 1840, on the application and at the cost of the "company of proprietors of any canal or navigable river," two justices or the watch committee of a borough may appoint persons "to act as constables on and along such canal or river." Their powers are defined, but they do not appear to be subject to any public authority.

Tyne.
1852, ch. cx.
Docks.
1860, c. 185.
1861, c. 51.
(5) SPECIAL
CONSTABLES.
1831, c. 41.
1835, c. 43.
1838, c. 80.
1882, c. 50,
s. 196.

There are also river police forces under local Acts, *e.g.* on the Tyne, the Wear, and the Mersey. There is also a partially separate dockyards police.

To assist the regular police in times of disturbance, Acts of 1831 to 1838 provide for the appointment of special constables by county or borough justices in cases where riot or felonies have taken place or are apprehended. And the Municipal Corporations Act, 1882, provides for the annual nomination of special constables in boroughs to act when so required by warrant of justices in cases of emergency (g).

NOTES.

*High and
Parish
Constables.*
1869, c. 17.
1842, c. 109.
1844, c. 52.
1850, c. 20.

Note (a). As to *High Constables*, see The High Constables Act, 1869, which provides for the abolition of the office, with certain savings.

As to *Parish Constables*, the Parish Constables Act, 1872, provides that for the future no parish constable shall be appointed unless by justices on the resolution of the vestry (now the parish council or parish meeting) in a rural parish, or by order of quarter sessions, and that if any are so appointed they shall be under the

chief constable of the county. Where they are appointed on resolution of a vestry, a salary may be assigned to them by the vestry and is charged on the poor-rate. Parishes may combine for such appointments.

The Lighting and Watching Act, 1833, enabled a parish in which the Act was adopted to provide itself with police officers and watchmen, but the County Police Acts have rendered this procedure obsolete.

Note (b). Cumberland and Westmorland have a single chief constable between them, as have East and West Suffolk, Northamptonshire and the Soke of Peterborough. *Chief Constables.*

Note (c). The standing joint committee have power also (and when required by Order in Council are obliged) to divide their county into police districts, with a specified number of police in each district. When a county, or part of it, is so districted, the police expenses of the districted area are divided into the two heads of "general expenditure," and "local expenditure." The local expenditure is to include pay, clothing, and such other expenses as the joint committee may direct, and is to be defrayed by the district in and for which it is incurred. The remaining or general expenditure is to be defrayed in common by all the districts. The exercise of these powers is subject to the control of the Secretary of State. *Police Districts in Counties.*
1840, s. 27.
1856, s. 4.
1859, s. 1.

Note (d). Besides the regular police in counties, boroughs, &c., provision is made for the appointment by the chief constable of a county, with the approval of the standing joint committee, of "additional constables" on the application and at the cost of companies or persons. Such police are under the direction of the chief constable of the county. They numbered about 950 in 1893. *Additional Constables.*
1840, s. 19.
1847, c. 89, s. 7.
1847, c. 27, s. 79.

Note (e). In 1893 there were in England and Wales (excluding the Metropolitan police district and the City of London) 58 police forces of counties; 128 police forces of boroughs (including county boroughs and Hove); 53 boroughs of more than 10,000 population policed by the county. *Statistics of County and Borough Police.*

The total authorized strength of all the county and borough forces in the same year was 24,058, exclusive of "additional constables" (see note (d)). In the census year, 1891, the average ratio of constables to population throughout the counties and boroughs was one to 1,005, the ratio being somewhat higher on the whole than in 1881, and higher in the boroughs than the counties.

The total cost of the county and borough police for the year ended 31st March, 1893, was £2,455,628

Note (f). The total strength of the Metropolitan police force for the year ended 31st March, 1893, was 14,931, costing £1,623,758; City of London police, 994, costing £133,925. The population of the Metropolitan police district, according to the census of 1891, was 5,595,638; that of the City, 37,705. The day population of the City, however, is probably upwards of a quarter of a million. *Police in London.*

Note (g). Under the Riot (Damages) Act, 1886, compensation for injury, stealing, or destruction of property caused by riotous and tumultuous assemblies, is to be fixed by the police authority of the police area, and paid out of the police rate. 1886, c. 38.

CHAPTER XI.

LICENSING.

- (1) *Intoxicating Liquors.*
- (2) *Other Matters.*

THE areas for licensing are, speaking generally, the county and the borough, the county being divided into petty sessional divisions. The county and borough councils, however, are not vested with licensing powers, so far as the sale of intoxicating liquors is concerned.

(1) INTOXICATING LIQUORS.

1828, c. 61.
1842, c. 44.
1860, c. 27.
1869, c. 27.
1870, c. 29.
1872, c. 94.
1874, c. 49.
1880, c. 6.
1882, c. 34.

1872, ss. 37, 50.
1828, s. 27.

In *counties* (including all boroughs not having a separate commission of the peace) the licensing authority for intoxicating liquors are the justices. The justices of each licensing district (*i.e.* each petty sessional division) hold a general annual licensing meeting for the grant of new licenses, and for the renewal or the removal from one place to another of existing licenses, and also several special sessions a year for the transfer of licenses from one licensee to another. New "on-licenses" and orders sanctioning removals of on-licenses have to be confirmed by the county licensing committee appointed from among themselves by the justices in quarter sessions, by whom also appeals against refusals to renew or transfer licenses are heard.

1872, s. 32.

1828, s. 27.
1882, c. 50,
s. 16^f

In *boroughs* having a separate commission of the peace the borough justices are the licensing authority, and the whole borough is the licensing district. Where there are ten or more justices, a committee appointed by the whole body hold the general annual licensing meetings and sessions for transfers, while the whole body in special sessions confirm the new on-licenses and removals. In boroughs with less than ten justices new licenses, &c., are granted by the whole body, and new on-licenses and removals are confirmed by a joint committee appointed by the borough justices and the licensing committee of the county. In all boroughs appeals against refusals to renew and transfer lie to the quarter sessions of the county (*i.e.* in the case of county boroughs the geographical county), and not to the recorder, who has no licensing jurisdiction.

The present chapter deals only with justices' liquor licenses (or "certificates," as they are called in some of the Licensing Acts); but excise licenses are also required, these latter licenses, however, being issued as a matter of course on the justices' license (where necessary) being obtained, and the excise duty being paid (*a*).

A justices' license or certificate is always required to authorize the sale of liquor by *retail*, except the retail sale of wine or spirits by a wine or spirit merchant for consumption *off* the premises, and except also the sale of liquor in licensed theatres and in packet boats.

The licensing justices have discretion to grant or refuse any new license, renewal, transfer, or removal, except that—

- (i.) In the case of renewals and transfers of existing licenses an appeal lies to quarter sessions ;
- (ii.) In the case of beer and wine houses licensed for sale for consumption *on* the premises on May 1st, 1869, and having continued to be so licensed, renewals can only be refused on one or other of the four grounds mentioned in the Wine and Beerhouse Act, 1869—grounds affecting the character of the licensee or of the premises ;
- (iii.) New off-licenses for the sale of any liquor other than beer can only be refused on one of the grounds above mentioned.

Every place (except an inn or public-house) where a public billiard table is kept must have a billiard license, which is granted, renewed, &c., in the same way as a liquor license, but does not require confirmation ; nor is there any appeal against a refusal to grant or transfer.

The council of every county and county borough are the authority for licensing buildings for the performance of stage plays (outside the jurisdiction of the Lord Chamberlain, which extends to London and a few other places), with power, however, to delegate this function to the justices in petty sessions. The licensing authority are to make suitable rules for ensuring order at the theatres licensed by them.

Any place in Middlesex or within twenty miles of the cities of London and Westminster which is kept for public dancing, music, or other public entertainment of the like kind (exclusive of theatres), must have a license from the county council. In some towns outside the above limits the licensing of music-halls is regulated by local Acts. And, in any district in which Part IV. of the Public Health Acts Amendment Act, 1890, has been adopted by resolution of the district council, such places have to be licensed by the licensing justices.

County councils and some borough councils have powers in connection with the licensing of factories and magazines for gunpowder and other explosives, and of gunpowder stores and firework factories, and

Sharp v. Wakefield,
1 App. Cas. 473.

R. v. King,
20 Q. B. D., 430.

1869, ss. 8, 19.

(2) OTHER
MATTERS.
Billiards.
1845, c. 109.
1872, c. 94,
s. 75.

Theatres.
1843, c. 68.
1888, c. 41,
ss. 7, 28, 36

Music, &c.
1752, c. 36.
1875, c. 21.
1888, c. 41,
s. 3 (v.).
1894, c. 15.

1890, c. 59,
ss. 3, 51.

Explosives.
1885, c. 17.
1888, c. 41,
ss. 7, 28.

with the registration of premises where explosives are kept. It is also their duty to enforce the provisions of the Explosives Act in relation to inspection. They may, however, delegate their powers and duties under this Act to the justices of each petty sessional division in the county.

Miscellaneous.

Licensing or registering powers are vested in the district councils (and county borough councils) for :

1786, c. 71.	Knackers' yards ;
1844, c. 87.	Gangmasters of agricultural gangs ;
1867, c. 130.	Dealers in game ;
1831, c. 32.	Pawnbrokers ;
1839, c. 35.	Passage brokers and emigrant runners ;
1872, c. 93.	Petroleum (including a general duty of enforcing, as local authority,
1894, c. 60,	the Petroleum Act) ;
ss. 343, 348.	Infant Homes ;
1871, c. 105.	Hackney carriages, &c., under the Public Health Act (see p. 42) (b).
1872, c. 38.	
1893—94, c. 73,	
ss. 27, 32.	

NOTES.

Note (a). There are altogether about twenty different classes of excise licenses for the sale of liquor, differing according to the kinds of liquor to be sold, and according as the sale is to be by wholesale or retail, and for consumption on or off the premises in which it takes place. The annual cost of an ordinary public-house license varies, according to the value of the premises, from £4 10s. to £60.

Note (b). Besides the above, the following miscellaneous powers of regulating by local authorities may be here mentioned :—

Wild Birds Protection.
1880 (2), c. 35.
1881, c. 51.
1894, c. 24.

Fairs.

1871, c. 12.
1873, c. 37.

Street-Selling, &c.
1894, c. 41,
ss. 2, 25.

Pedlars, &c.
1871, c. 96.
1875, c. 70.
1888, c. 33.

Metal dealers.
1861, c. 11C.

Dogs.

1871, c. 56

Retreats.

1879, c. 19.

- (i.) A county council may apply to the Secretary of State to extend or vary the time during which the killing of wild birds is prohibited, and to prohibit the taking of their eggs in particular cases.
- (ii.) Councils of county boroughs and county districts may apply to the Secretary of State to abolish fairs, or to alter the days for holding them.
- (iii.) Councils of county boroughs and county districts may by bye-law vary the hours during which street-selling, &c., by children is illegal, and may certify places of safety for the temporary reception of children who have been ill-treated.
- (iv.) Pedlars, hawkers, and chimney-sweepers employing apprentices are licensed by the police, but the justices in petty sessions hear appeals from refusal to grant pedlars' certificates.
- (v.) Justices may order the registration of old metal dealers convicted of receiving stolen property.
- (vi.) Wherever a dog is found mad, the local authority (i.e. the council of a borough, the commissioners of an improvement Act district, and elsewhere the justices in petty sessions), may make orders as to the control of all dogs in the district.
- (vii.) County justices in quarter sessions, and borough justices in special sessions, may license retreats for habitual drunkards.

CHAPTER XII.

LUNATICS.

- (1) *Public Asylums.*
- (2) *Private Asylums.*
- (3) *Criminal Lunatics.*

THE councils of all administrative counties and county boroughs, and also of twenty-seven other quarter sessions boroughs which are enumerated in the Lunacy Act, 1890, and are, for this purpose, treated as separate areas distinct from the remaining portions of the administrative counties in which they are respectively situated, are "local authorities" under that Act, each of which is required to provide sufficient asylum accommodation for pauper lunatics, and may also provide it for lunatics who are not paupers (a).

(1) PUBLIC
ASYLUMS.
1890, c. 5,
ss. 169-176,
238-314.
1891, c. 65.

The accommodation may be provided either by means of a separate asylum or asylums for a single authority, or by the union (with the approval of the Secretary of State) of two or more authorities in providing one or more "district" asylums. The local authority may itself decide which of these methods shall be adopted, but with that exception all its powers for this purpose must be exercised through a "Visiting Committee," consisting of not less than seven members annually appointed by the local authority, or, where several authorities act in union, appointed by those authorities respectively in such proportions as may be agreed on. Where there is more than one asylum a single committee may be appointed for all of them, but there must in that case be a separate sub-committee for each.

Where authorities unite in providing accommodation, the proportion in which the expenses are to be borne by each is a matter for arrangement, which may be made on the basis either of the accommodation required, or of population. An agreement for union may be dissolved with the Secretary of State's consent.

The council of a county borough has the further option of contracting on terms approved by the Secretary of State with the visiting committee of any asylum to receive its pauper lunatics, instead of providing an asylum of its own either separately or in union with another

1890, s. 243.

authority: in this case a visiting committee must be appointed from the borough to visit the borough patients. Some of the county boroughs also which only became separate areas for lunatic asylum purposes by virtue of the Local Government Act, 1888, have continued liable to contribute to the county asylum on the old basis, together with a right to be represented on the visiting committee, a course specially permitted in these cases until a new arrangement should be made by agreement between the councils concerned, or by arbitration.

S. 244.
S. 189 (4).

Private patients may be accommodated either in the same asylums with the paupers or in separate asylums or detached blocks, and may be received on such terms as to payment and accommodation as the visiting committee think fit. Separate asylums may also be provided for idiots or patients suffering from any particular class of mental disorder.

Visiting committees have wide powers for purchasing and hiring land, building and enlarging asylums, providing burial grounds, &c., subject to the general control of the Secretary of State. They cannot, however, independently of the local authority, spend in any one year more than 400*l.* on any asylum for additions, alterations, or improvements, beyond necessary and ordinary repairs. The committees have also to make rules (subject to his approval) and regulations for the government and management of their asylums, and to appoint for each asylum chaplain, medical officer, one or more superintendents, a clerk, treasurer, and other officers and servants as may be necessary. Every visiting committee has a paid clerk who may also be clerk of the asylum. Members of the visiting committee are required to visit the patients at frequent intervals, and each committee must make a yearly report to the local authority.

Ss. 188-190.

S. 247. The obligation of a local authority to provide sufficient accommodation for its pauper lunatics can, if necessary, be enforced by the Secretary of State on a report from the Lunacy Commissioners.

Temporary contracts for periods not exceeding five years may from time to time be made and renewed by visiting committees with the approval of the Secretary of State for the reception of pauper lunatics from one local authority into the asylum of another, or into a private asylum.

Expenses.

The expenses are defrayed out of (1) a weekly sum for each lunatic fixed by the visiting committee, which sum cannot, except by direction of the local authority, exceed 14*s.* a week (b), and which is charged (together with expenses of conveyance, burial, &c.) to the union in which the lunatic is settled, or from which he is "irremovable," or, if he is removable and his settlement cannot be ascertained, then to the

"local authority" of the asylum area (whether county or borough) in which he was found; (2) contributions to the county or borough rate, a borough which is itself an asylum area being, of course, exempt from contributing for this purpose to the county rate. Towards the above-mentioned weekly sums, whether payable by guardians or by county or borough councils, a contribution at the rate of 4s. a week is made from the exchequer contribution account by way of relief to the rates.

1888, c. 41,
s. 24.

Money can be borrowed by the local authorities for providing the necessary accommodation.

Besides the public lunatic asylums treated of above, there are two classes of asylums kept by private persons for the reception of both pauper and non-pauper lunatics; these are known respectively as "licensed houses," which are places established by private enterprise and for private profit, and "registered hospitals," which are institutions under the management of a committee. Recent legislation has discouraged private asylums, and no new licensed house, independent of one in existence before 1890, can now be established. Those remaining require an annual renewal of their licenses, which, if the premises are suitable and well-conducted, may be granted as regards those in or near London by the Lunacy Commissioners, and as regards the others by the county quarter sessions or the justices of a quarter sessions borough, subject however to revocation by the Lord Chancellor on cause being shown to him by the Commissioners or justices. The justices have annually to appoint visitors to visit the asylums licensed by them, each appointment being subject in a borough to the consent of the recorder.

(2) PRIVATE
ASYLUMS.
1890, ss. 207-
237.

S. 193.

Certificates of registration may be granted by the Lunacy Commissioners for hospitals for the reception of lunatics, which thereupon become "registered hospitals" within the meaning of the Act and subject to its provisions.

Special provision is made by the Idiots Act, 1886, for the registration and management under the supervision of the Lunacy Commissioners of hospitals, institutions, and licensed houses for idiots and imbeciles; such places are excluded from most of the provisions of the Lunacy Acts.

1886, c. 25.
1890, s. 340.

The asylums for criminal lunatics are wholly under the control of the Secretary of State; and all the expenses of removing and maintaining criminal lunatics are defrayed out of sums voted by Parliament.

(3) CRIMINAL
LUNATICS.
1860, c. 75.
1884, c. 64.

All asylums are subject to visitation by the Lunacy Commissioners (c).

NOTES.

Note (a). Under the old Lunatic Asylums Acts (the chief of which was passed in 1853) each county or division of a county, and each quarter sessions borough, was *prima facie* a separate lunacy area. In any of the three following cases, however, a borough ceased to be, or did not become, a separate area for this purpose, and was annexed to the county, namely :—

- (i.) If in 1845 it had not six borough justices besides the recorder, or
- (ii.) If it made default in performing its duties as a lunacy area, and was in consequence annexed to the county by the Secretary of State; or
- (iii.) If it was a borough newly constituted, or having had a separate court of quarter sessions granted to it, after 1853.

Quarter sessions boroughs which were not “annexed” in one or other of these ways might also, instead of providing a separate asylum or uniting with some other area for the provision of a joint asylum, enter into contracts for the reception of their lunatics in asylums belonging to other authorities.

A large proportion of the quarter sessions boroughs had thus either been annexed or else arranged for the disposal of their lunatics under contract, when the Local Government Act of 1888 introduced the following further changes :—

1888, c. 41,
s. 34.

- (a) Every county borough, whether or not it had a separate court of quarter sessions, was made a separate lunatic asylum area;

1888, s. 38.

- (b) Every quarter sessions borough which, by the census of 1881, had a population under 10,000 ceased to be a separate lunatic asylum area, and was thrown into the county;

1888, s. 36 (4).
1890, ss. 245-6.
1891, s. 13.

- (c) Boroughs (other than county boroughs) which had contracted as above mentioned, were, on the termination of existing contracts, to be merged for lunatic asylum purposes in the county.

The Lunacy Act, 1890, consolidated the old Acts which it repealed, and the twenty-eight places specified in the Fourth Schedule to the Act comprise the city of London and those quarter sessions boroughs (not being county boroughs) which still remain as independent areas for the provision of asylum accommodation.

1890, ss. 269 (9),
282 (3).

Note (b). A higher weekly charge (but not exceeding the limit of 14s.) may be made for a patient sent from outside than for those belonging to the county or borough for which the asylum is provided; and a portion of the charge is payable by the authority sending him, in exoneration to that extent of the union to which he is chargeable.

Note (c). There were, on January 1st, 1894, 68 county and borough asylums, including “district” asylums, and including the six asylums belonging to London (Lancashire has four asylums, and the West Riding three). The total number of patients was: Pauper, 59,232, private, 1,129—together, 60,361.

The “registered hospitals” (exclusive of idiot establishments registered under the Idiots Act, 1886, and of the naval and military hospitals) numbered at the same date 14, with 2,335 private and 59 pauper patients—together, 2,394. The number of “licensed houses” was 78, with 2,814 private and 823 pauper patients—together, 3,637.

LUNATICS.

63

Seven idiot establishments registered under the Act of 1886 had 1,465 private and 342 pauper inmates—together 1807.

The total number of lunatics and idiots in the different classes of establishments (exclusive of those in the naval and military hospitals and in the criminal asylum at Broadmoor, and exclusive also of private single patients), was thus :

Pauper	60,456
Non-Pauper	7,743
	<u>68,199</u>

For some details as to the public expenditure incurred for lunatic asylums and lunatics, see Table E, p. 124.

CHAPTER XIII.

BURIAL.

- (1) *Old Law.*
- (2) *Burial Acts.*
- (3) *Other Acts.*

(1) OLD LAW.
See
R. v. Stewart,
12 A. & E. 773.

In re St. John's,
Cardiff, 16 L. J.
M. C. 54.

THE common law appears to give to every person dying in a state of indigence, and not being "within certain exclusions laid down by the ecclesiastical law," a right to christian burial in the parish churchyard at the expense of the person under whose roof he dies. And it seems that before the Compulsory Church-Rate Abolition Act (1868, c. 109), it was lawful for a vestry, if it thought fit, to make a church-rate for the purposes of enlargement of the churchyard. The Church Building Acts contain enabling enactments for the provision and enlargement of churchyards; and special Acts for the provision of cemeteries as commercial undertakings were common enough to render expedient the Cemeteries Clauses Act, 1847.

(2) BURIAL
ACTS.
1852, c. 85.
1853, c. 134.
1854, c. 87.
1855, c. 128.
1857, (2), c. 81.
1859, c. 1.
1860, c. 64.
1862, c. 100.
1871, c. 33.
1875, c. 55,
Sched. V. Pt. III.
1880 (2), c. 41.
Parishes.
1852, ss. 10, 52.
R. v. Sudbury,
E. B. & E. 264.
1893-4, c. 73,
s. 7 (5), (7).

But the only systematic legislation for burials is contained in the more recent series of Acts, known as the "Burial Acts," which provide for the prohibition of burials within urban limits, the closing of overcrowded or insanitary burial grounds, and the appointment of burial boards. The first of these Acts was passed in 1852, and was limited to the metropolis and its immediate neighbourhood, but in the next year it was made universal.

Under the Burial Acts the *area* is *prima facie* either the poor law or the old common law parish, but may be almost any parochial or quasi-parochial area (*a*). The *authority* is *prima facie* a burial board of three to nine members elected by the vestry. In rural parishes, however, the vestry is superseded by the parish meeting; and, in those which have a parish council, that council is substituted for the burial board wherever the area under the parish council coincides with the burial area. And where the Acts are newly adopted in a parish having a parish council that council will be the executive authority whether the area is the same or not. Where the area in which the Acts have already been adopted does not coincide with the rural parish, then—(i.) if the

burial area is wholly within one rural parish, the burial board or the parish meeting may transfer the administration of the Burial Acts to the parish council, subject to any condition as to their execution by a committee, and—(ii.) if the burial area is not wholly within one rural parish, the functions of the burial board are transferred to the parish councils of the several parishes acting by a joint committee (should the area be partly in an urban district the district council will be represented on the committee). In order to reduce this confusion of areas and authorities, power is given to the county council, on the application of a parish council, to alter the boundaries of a burial area where this can be done without an undue alteration of liability to rates or interference with property rights.

The adoption of the Acts is in general optional, the power of adoption in rural parishes now resting always with the parish meeting, in succession to the vestry, which body can in urban parishes still exercise the power if approved by the district council. It is practically compulsory where an Order in Council closes existing churchyards either on the ground of their condition, or on the ground that they are within a town. And the Acts confer large powers on a burial board when once it has been appointed, enabling it to raise the necessary money for providing a burial ground by mortgage of the rates, uncontrolled by the adopting authority. The management of the burial-ground is vested in the board (including in that term any parish council or committee substituted for a burial board), subject to regulations which may be made by a Secretary of State for the protection of health and decency, and subject, as regards inscriptions in consecrated grounds, to the discretion of the bishop. The fees for interment are fixed by the board with the assent of a Secretary of State, subject to limits prescribed by the Acts in the case of paupers. The board appoints a clerk and other officers. It may, instead of providing a cemetery of its own, contract for accommodation in the cemetery of some other authority or company. It may undertake the care of disused burial grounds (b).

Any parishes (whether common-law or poor-law) which have adopted the Acts may concur in providing a common burial-ground, and agree for the apportionment of expenses (c).

It remains to notice the provisions of the Acts specially applicable to boroughs and urban districts.

Under the Public Health Act, 1875, the burial board for any area included in or conterminous with a county borough or an urban district may by agreement with the vestry and the borough or district council transfer all its powers, duties, &c., to that council. And now any urban

district council may by resolution substitute itself for any burial board acting for the whole or part of the district.

1854, ss. 1-9

By Order in Council made on the petition of the council of a municipal borough (after the compulsory closing of any burial-grounds of parishes wholly or partly within the borough), the council of the borough may be made the burial-board for all or any of the parishes wholly or partly included in the borough, and the powers of the vestries of such parishes are thereupon superseded.

857, s. 4.

The district council of an urban district other than a borough (after the compulsory closing of any burial-grounds in the district) may by Order in Council be constituted a burial-board, upon their petition stating that their district is co-extensive with a district for which it is proposed to provide a burial-ground, and that no burial-board has been appointed. And under the Public Health Act, 1875, the vestry of a parish comprised in any urban district which is a "local government district" within the meaning of that Act may constitute the district council, or, if the parish forms a ward of the district, the councillors for the ward, the burial-board for the parish.

1893-4, s. 62 (2).

The Burial Acts cannot now be newly adopted in any part of an urban district without the approval of the district council.

Expenses.

1852, s. 19.

1854, ss. 3, 9.

1855, s. 13.

1857, s. 22.

1860, ss. 1, 2.

1862.

1875, Sched. V.,

Pt. III.

1893-4, s. 7 (6).

1893-4, s. 11.

The rates generally applicable to the payment of expenses incurred under the Burial Acts are in rural areas the poor rate, in boroughs the borough rate, and in other urban districts the general district rate, or else a separate rate levied over the burial area on the same basis as the above rates, respectively. Where the parish council acts as a burial board its expenses as such are paid out of the poor rate, and are not within the limitation to 6*d.* in the pound which circumscribes its ordinary expenditure (*d*) (*e*).

(3) OTHER ACTS.

1875, s. 141.

1879, c. 31.

Besides the above-mentioned powers under the Burial Acts proper, both urban and rural district councils may under general Acts provide cemeteries and mortuaries, and regulate their use by bye-laws, and acquire land for this purpose, and borrow with the consent of the Local Government Board. The expenses are paid as other sanitary expenses.

1357, s. 6.

Guardians, with the consent of the Local Government Board, may appropriate land in their possession for a cemetery for paupers. The expenses are charged on the common fund. Relatives of the deceased persons may object to their burial in such cemeteries.

1847, c. 65.

There are many cemeteries established under local Acts, usually incorporating the Cemeteries Clauses Act, 1847 (*f*).

NOTES.

Note (a). Although the common-law or poor-law parish is *primâ facie* the area for the purposes of the Burial Acts, these Acts may be adopted by various smaller or other districts, namely :— *Burial Areas.*

- (i.) By any parish, township or district which is not a poor-law parish, but which before the Act of 1855 had a separate burial-ground. (1855, s. 12.)
- (ii.) By any "parish, new parish, township or other district" which is not a poor-law parish, and although it has not had a separate burial-ground (1857, s. 5), and this notwithstanding that there already exists a burial board for the whole common-law parish in which the new area is included. (*Reg. v. Walcot*, 31 L. J., M. C. 221.)
- (iii.) And if a portion of any area which could be a burial-board district adopts the Acts, it follows that the remainder of the area may separately adopt them. (*Viner v. Tunbridge*, 28 L. J., M. C. 251.)

But where a parish or place is ecclesiastically divided, and any part of it has a separate burial-ground, the whole parish or place cannot adopt the Acts without the consent of a Secretary of State.

Some attempt to check the confusion which these enactments are calculated to produce is now possible under the provisions of the Local Government Act, 1894, The Acts, however, can still apparently be adopted for an area comprising part only of a "rural parish" by a parish meeting held for that part. 3-4, s. 3(4). s. 7(4).

Note (b). There must be an unconsecrated part in every cemetery provided under the Burial Acts, with four exceptions, mentioned below. If there is a consecrated chapel there must also be an unconsecrated chapel, unless it is dispensed with by a Secretary of State on the application of three-fourths of a vestry (in a rural parish of the parish council or meeting). In order to prevent encouragement of the use of the unconsecrated part, it is provided that equal fees must be taken in that part, less only the amount representing ecclesiastical fees. *Consecration, &c.*

The four exceptions above referred to are the following :—

- (i.) Workhouse cemeteries. The whole or part of these may be consecrated, and only Church of England rites can be used on the consecrated ground (1857, s. 6; but see 1880, Sess. 2, c. 41).
- (ii.) Cemeteries provided under the Church Building Acts may, by agreement, be transferred to a burial board, with any debts incurred for them, and must be used as consecrated ground. But unconsecrated additions may be made to them (1857, s. 7).
- (iii.) Any burial board may, with the consent of a Secretary of State, provide several cemeteries, and the consecrated and unconsecrated grounds may be distinct and separate (1857, s. 3).
- (iv.) A vestry (or parish council or meeting), by unanimous vote, may resolve that a cemetery shall be in all respects a mere substitute for their former churchyard, and similarly consecrated and used. But at any time within ten years from such resolution a separate unconsecrated ground may be provided (1855, s. 10).

No burial ground under the Burial Acts can be established within 100 yards of any dwelling-house, unless with the consent of the owner, lessee, and occupier. 1854, s. 12. 1855, s. 9.

*United
Parishes.*
1885, s. 11.

Note (c). The Act of 1855 also enabled any parishes or places which in 1855 had been united for any ecclesiastical purpose, or had had a common church or burial-ground or a joint vestry for common purposes, to unite in appointing a joint board, the expenses to be apportioned according to the poor-law valuations; but the consent of a Secretary of State was required should either of the uniting parishes or places be a poor-law parish or have a separate burial-ground.

1857, s. 9.

1893-4, s. 57.

Where parishes in which the parish councils are the authorities for executing the Burial Acts unite for this purpose, a joint committee can be appointed under the general powers of the Act of 1894.

Expenses.

1893-4, ss. 11,
12.

Note (d). Apparently, however, the obligation to obtain the consent of the parish council before expenditure is incurred involving more than a threepenny rate in one year includes expenditure under the Burial and other adoptive Acts, as well as other expenditure. And money can only be borrowed by a parish council with consent of both the Local Government Board and the county council.

Statistics.

Note (e). In 1893 there were 911 burial areas under specially elected burial boards, in addition to 83 boroughs and 58 other urban districts in which the town councils or sanitary authorities acted as burial boards.

Miscellaneous.

Note (f). Besides the Acts already mentioned, there are the following miscellaneous provisions as to burial-grounds and burials:—

1285, c. 6 (*St. Win.*). Prohibition of fairs and markets in churchyards.

1285 (*Circumsp. ag.*). Inclosure of churchyards.

1808, c. 75. Burial of bodies cast on shore. Charge on county rate.

1816, c. 141. Ecclesiastical corporations may sell land for cemeteries. Twenty years from consecration bars all adverse claims.

1846, c. 68. Single chapel for several burial-grounds. (Amended 1851, c. 97, s. 28; and see 1855, s. 16.)

1850, c. 101, s. 2. Guardians, out of common fund, or parish, out of poor-rate, may contribute to provision or enlargement of consecrated burial-ground of parish in which workhouse is situate, or of any parish in the same union, and on their so doing they acquire a right to bury paupers there from the workhouse.

1855, c. 79. Power to bury paupers in another parish, where the proper churchyard is closed or unfit.

1864, c. 97. Registration of burials. And see 1853, c. 134; and 1857, Sess. 2, c. 81, ss. 15, 16.

1869, c. 26. Simplification of title to burial-grounds of religious bodies.

1880 (2), c. 41. Right of parishioner to be buried in churchyard or burial ground without Church of England service.

1886, c. 20. Burial of bodies cast on shore.

CHAPTER XIV.

PARISH PROPERTY, RIGHTS OF WAY, AND OPEN SPACES.

PARISHES have from early times had land attached to them which was held for the benefit of the inhabitants; and the uncertainty which seems to have existed respecting the precise legal ownership of such land led to the enactment in a Statute of 1819 that the churchwardens and overseers should hold as a body corporate for and on behalf of the parish all buildings, lands, and hereditaments belonging to the parish. Thus the parish property in general (unless specially vested otherwise) became vested in the churchwardens and overseers; and now by the operation of the Local Government Act, 1894, it is (as regards rural parishes, and with an exception for church property) transferred from them to the parish council, or, if there is no such council, to the chairman of the parish meeting and the overseers who are made a body corporate for that purpose. And the powers, duties, and liabilities of overseers and churchwardens with respect to the holding or management of non-ecclesiastical parish property, and village greens, are transferred to parish councils. Special statutory provision has been made for the protection of village greens.

*Parish
Property.*

1819, c. 12,
s. 17.

1893-4, c. 73,
ss. 5, 6, 19.

1857, c. 31,
s. 12.
1876, c. 56, s. 29.

A parish council has power to provide or acquire buildings for public offices, and for meetings, and for any purposes connected with parish business, and to acquire land for such buildings by agreement, or under certain conditions compulsorily (*a*); also to accept and hold gifts of property, real or personal, for the benefit of the inhabitants of the parish or any part of it.

1893-4, s. 8.

Parish councils (and, where there is no such council, the guardians) have powers for letting, selling, and exchanging parish lands and buildings, subject to certain powers of control in the parish meeting, the Local Government Board, and in some cases the Charity Commissioners. But where any part of a parish has a defined boundary, and has any property or rights distinct from the rest of the parish, the county council may order any acts of the parish council affecting such property or rights to be subject to the consent of a parish meeting held for that part of the parish. Or the property may be managed by a committee

Ss. 6 (1) (*d*),
8 (2), 52 (1).

s. 37.

s. 56 (2).

consisting partly of parish councillors and partly of persons representing that particular part of the parish.

S. 19. It must be remembered that in rural parishes which have no parish council there is a general authority for the county council to confer on the parish meeting any of the powers of a parish council.

Trustees holding property for the purposes of a public recreation ground or of public meetings for the benefit of all or any of the inhabitants of a rural parish, or for any public purpose connected with such a parish (except for an ecclesiastical charity), may, with the approval of the Charity Commissioners, transfer the property to the parish council or to persons appointed by that council.

Provision is also made for substituting in rural parishes persons appointed by the parish council (or parish meeting if there is no council), for the overseers, or for persons appointed by the vestry, as trustees of parochial charities, and also for adding persons appointed by the parish council or meeting to the governing bodies of parochial charities which had not previously included any members representing the inhabitants.

*Commons and
rights of way.*
1893-4, s. 8.

Parish councils are entitled to apply to the Board of Agriculture to issue information and directions as to the mode in which applications for the regulation or inclosure of commons under the Inclosure Acts are to be made, with explanations of the law. And notice of an application to the Board in relation to a common is to be served on the council of every parish in which any part of the common is situated, and also on the district council.

S. 26 (2).

1845, c. 118,
s. 34.

When a common is inclosed under the Inclosure Act, 1845, the Board of Agriculture may provide for a portion of the land being appropriated as a place of exercise and recreation for the inhabitants of the neighbourhood.

1893-4, s. 26 (2).

A district council, with the consent of the county council, may aid persons in maintaining rights of common, the extinction of which would be prejudicial to the inhabitants, and may with the like consent and with the sanction of the Board of Agriculture, in cases where application is made under the Commons Act, 1876, for the regulation or inclosure of any common in the district, make contributions, and pay compensation in respect of the rights of commoners, for the purpose of securing for the district any benefit from the common. The district council may also itself in some cases apply for the regulation of a common, and may be invested with powers of management. These powers of the district councils in relation to commons extend, in the case of urban councils, to commons lying within six miles of a county borough, or of an urban district with a population of 5,000 or upwards.

1876, c. 56, s. 8.

Parish councils have power to acquire by agreement rights of way 1893-4, s. 8. in their own or an adjoining parish, the acquisition of which is beneficial to the inhabitants of their parish or any part of it.

It is the duty of every district council to protect all public rights s. 26. of way in its own or an adjoining district, the stoppage or obstruction of which would be prejudicial to the interests of its district, and to prevent unlawful encroachments on roadside wastes in the district. *Curtis v. Kesteven C. C.*, L. R. 45 Ch. D. 504. It is expressly required to take proceedings for this purpose when called upon by a parish council, which on its default may appeal to the county council.

A public right of way in a rural parish cannot be stopped or 1893-4, s. 13. diverted without the consent of the parish council and district council.

Under the Recreation Grounds Act, 1859, in order to supply the want of open public grounds for the resort and recreation of adults and of playgrounds for children, facilities were given for the conveyance of municipal, parochial, and private land to trustees to be held and administered for these purposes. *Recreation Grounds*, 1859, c. 27.

A parish with a population of 500 or upwards can by a two-thirds 1860, c. 36. majority at a meeting of ratepayers (in a rural parish at a parish meeting) adopt the Public Improvement Act, 1860, by which land can be acquired by voluntary purchase, lease, or gift for forming a public walk, exercise or playground, and an addition not exceeding sixpence in the pound to the poor-rate can, with the consent of a similar two-thirds majority, be levied for maintaining it, and for removing any obstruction to its free use and enjoyment, and for improving any open walk or foot-path, placing convenient seats, or shelters from rain, and for other similar purposes; but before any such rate is imposed at least one-half of the estimated cost of the proposed improvement must have been raised privately, and there is no borrowing power. The management of any such improvement is committed by the Act to a body of elected commissioners, but now, where there is a parish council, it takes their place. (This Act may also be adopted for a borough.)

Every parish council is also now empowered to provide and acquire 1893-4, ss. 3, 9. land for a recreation ground and for public walks, and to exercise with respect to any recreation ground, village green, open space, or public walk which is under their control, or to the expense of which they have contributed, the like powers as an urban council can exercise under the Public Health Acts in relation to recreation grounds or public walks (see below). The parish council may also acquire rights of way, and accept gifts of property for the benefit of the inhabitants, and execute all necessary works incidental to the exercise of these powers, and may contribute money for any of these purposes, and in proper cases may

obtain from the county council (subject to appeal to the Local Government Board) power to obtain land compulsorily (a).

1875, c. 55,
s. 164.
1890, c. 59,
ss. 44-5.

The Public Health Act, 1875, authorises urban district councils to purchase or lease and lay out land to be used as public walks or pleasure grounds, and to support or contribute to those provided by other persons, and to make bye-laws for their regulation. And such councils may under the Public Health Acts Amendment Act, 1890, exclude the public from free admission to parks or pleasure grounds on a limited number of days in the year, to enable them to be used for agricultural shows, &c.

1863, c. 13.

Town councils may, in certain cases, take charge of any inclosed garden or ornamental ground which has been neglected, and may vest it in a committee of the inhabitants of adjacent houses, or in the vestry of the parish, with powers of management.

Open Spaces.
1877, c. 35.
1881, c. 34.
1887, c. 32.
1890, c. 15.

Under the Open Spaces Acts passed in 1877 and subsequent years, the district council of every urban district, and also of any rural district in which authority is given by order of the Local Government Board, may by voluntary purchase or gift acquire any open spaces whether inclosed or uninclosed, and whether inside or outside their district, and hold them in trust for the perpetual use of the public for exercise and recreation, and may make bye-laws (subject to confirmation by the Local Government Board) for their regulation, and provide for their maintenance and protection. Special provision is made enabling trustees and other managing bodies and owners of open spaces to transfer them by agreement to the district council. Disused burial grounds may similarly be transferred, subject to certain conditions respecting the removal of tombstones, &c., and such grounds may not, except by special permission, be used for games. Expenses are defrayed as sanitary expenses, and in a rural district are "special" and charged on the contributory places for which they are incurred.

The powers of management under these Acts are also applicable to similar open spaces otherwise vested in district councils.

NOTE.

1882-4, s. 9
(3), (14).

Note (a). For the compulsory acquisition of land by a parish council, the same provisions apply as in the case of land required by a district council for allotments; see p. 74, and **Note (a)** on p. 77. The order authorising the compulsory acquisition is carried into effect by the county council, and the land acquired is conveyed to the parish council.

CHAPTER XV.

ALLOTMENTS AND SMALL HOLDINGS.

(1) *Allotments.*(2) *Small Holdings.*

UNDER Acts passed in the years 1819, 1831, and 1835, and still unrepealed, power was given to guardians of the poor, with consent of the vestry, to appropriate land belonging to the parish, or to purchase or hire land in or near the parish, and either to employ in cultivating it on account of the parish "any such persons as by law they are directed to set to work," paying to those who were not supported by the parish reasonable wages for their work, or, "for the promotion of industry among the poor," to let any portions of such land to any poor and industrious inhabitant of the parish at such reasonable rent as might be fixed by the vestry. The amount of land to be purchased by the guardians was limited to twenty acres, but they might hire up to fifty acres; and there was also power to enclose for the same purposes waste or common land to the extent of fifty acres, and forest and waste land belonging to the Crown. And under a more recent Act guardians are empowered, with the approval of the Local Government Board, to hire temporarily any land or buildings for the purpose of the relief and employment of the poor.

(1) **ALLOTMENTS.**
1819, c. 12,
ss. 12, 13.
1831, cc. 42, 59.
1835, c. 69, s. 4.
1873, c. 19,
ss. 14, 15.

1867, c. 106,
s. 13.

Another early Act dealt with what have been known as "fuel allotments." After a recital that "in parishes inclosed under Acts of Parliament there are in many cases allotments made for the benefit of the poor, chiefly with a view to fuel, which are now comparatively useless and unproductive," it was provided that the trustees of the allotments, together with the guardians and a committee of the vestry, should let portions of the allotments yearly from Michaelmas to industrious cottagers of good character being day labourers or journeymen settled in the parish, not exceeding one acre to any individual; the rent to be applied in the purchase of fuel. Allotments inconveniently situated might be let at the best rent, and other land hired for the purposes of this Act, the provisions of which were also made applicable to other lands inclosed for the general benefit of the poor of any parish. In 1882 it was sought further to promote the dissemination of this class of allotments through the Allotments Extension Act of that year,

Fuel Allotments.
1832, c. 42.
1835, c. 69, s. 4.
1873, c. 19.

1882, c. 80.

requiring the trustees of lands of which the rents were distributed in doles, fuel, &c. to the poor to take proceedings, by public notice, &c., for letting part of such lands in allotments to cottagers, labourers, and others, and giving to the Charity Commissioners certain powers of control over the rules for the management of the allotments, which were not to exceed an acre for each person.

*Inclosure Act
Allotments.*
1845, c. 118,
ss. 34, 108-112.
1876, c. 56,
ss. 21-28.

On a common being inclosed under the Inclosure Act, 1845, a portion of the land may be appropriated, under the supervision of the Board of Agriculture, for allotments for the labouring poor in the form of field gardens not exceeding a quarter of an acre each; but under a later Act this limit might be increased to an acre. The allotments were placed under the management of "allotment wardens." The Board of Agriculture, in any Provisional Order made by them for the regulation of a common, may require an allotment to be appropriated for the labouring poor.

*District Council
Allotments.*
1887, c. 48.
1890, c. 65.
1893-4, c. 73,
ss. 6, 9, 10.

The policy of facilitating the acquisition and popularising the management of allotments has been much promoted by recent legislation. Under the Allotment Acts, 1887 and 1890, as extended by the Local Government Act, 1894, it is the duty of every urban and rural district council (if practicable without undue risk of loss) to purchase or hire land for allotments for the resident labouring population wherever there is a demand which cannot be satisfied on reasonable terms by voluntary arrangement between the owners of suitable land and the applicants. The area for which the allotments are provided is, if urban, the whole district; if rural, a parish or combination of parishes in the district. Any six parliamentary electors or ratepayers, and also, in a rural parish, the parish council, are entitled to call upon the district council to take action; if it fails to do so, application can be made to the county council, which is thereupon empowered to act, and in that case any land acquired for allotments becomes the property of, and is administered by, the parish council, if there is one, instead of the district council.

1893-4, ss. 6 (3),
9 (17).

1893-4,
s. 9 (14).

If the district council fails to obtain a sufficient quantity of suitable land by agreement, compulsory powers of purchase may be given to it by order of the county council, made after local inquiry, and subject in case of objection to confirmation by the Local Government Board; and, if the county council refuses to make such an order, the Local Government Board may, after local inquiry, make it (a). Every county council is required annually to appoint a committee for transacting the business relating to allotments.

1890, s. 3.

Provision is made in detail with respect to the letting and use of these allotments, no allottee being allowed to hold more than an acre.

The district council can also make regulations and appoint managers consisting wholly or partly of persons who are not members of the council, and can prescribe the duties of the managers. But a rural parish for which allotments have been provided is entitled, on a representation from one-sixth of its electors or from the parish council, to have the parish council substituted for those managers, or, if there is no such council, to have a popularly-elected body of allotment managers for the parish (*b*). .

1887, s. 9.
1893-4, s. 6 (3),
(4).

The expenses are defrayed in an urban district as part of the general sanitary expenditure, and in a rural district as "special expenses" chargeable to the parish. And money may be borrowed in the same way as for sanitary purposes.

Land may also, with the approval of the county council, be acquired for common pasture under these Acts, as well as for allotments, and the district council may make regulations concerning the conditions under which animals may be turned out on the pasture, and fixing the charges to be made for each animal (*c*).

A county borough is in the same position under these Acts as an urban district, except that the Local Government Board, instead of the county council, makes the order conferring compulsory powers of purchase.

1888, c. 41,
s. 34 (7).
1893-4, s. 9
(18).

Side by side with these powers of the district councils, the Local Government Act, 1894, has further conferred on every parish council the right to hire land for allotments, and, where this cannot be done by agreement, the county council can by order (subject, in case of objection, to confirmation by the Local Government Board) authorise the parish council to hire compulsorily for the purpose any specified land in or near the parish for a period not less than fourteen nor more than thirty-five years, at a rent and on terms to be fixed by arbitration in accordance with certain conditions laid down in the Act (*d*). These allotments may exceed one acre in extent, but in case of compulsory hiring are not to exceed four acres of pasture, or one of arable and three of pasture, for a single person; and old pasture may not be broken up without the consent of the landlord.

*Parish Council
Allotments.*
1893-4, s. 10.

Finally, the Act of 1894 contains several provisions for popularising the management of land in rural parishes applicable for allotments under the older Acts. Thus the powers, duties, and liabilities of the vestry under former Acts are transferred to the parish council or parish meeting; every parish council has transferred to it the powers, duties, and liabilities of overseers and churchwardens with respect to the holding or management of allotments for the benefit of the inhabitants or any of them; and "where any Act constitutes any persons wardens

1893-4, s. 6 (4).

for allotments, or authorises or requires the appointment or election of any wardens, committee, or managers for the purpose of allotments, then, after a parish council for the parish interested in such allotments comes into office, the powers and duties of the wardens, committee, or managers shall be exercised and performed by the parish council."

8. 14.

Trustees holding property for the purpose of allotments under the Inclosure Acts or otherwise for the benefit of the inhabitants of a rural parish, or any of them, may, with the approval of the Charity Commissioners, transfer it to the parish council or to persons appointed by that council, to be held on the same trusts as before. And, as mentioned in the preceding chapter, provision is made for popularising in rural parishes the administration of parochial charities, amongst which are included lands vested in trustees for allotments.

(2) SMALL HOLDINGS.
1892, c. 31.

Intimately connected with the enactments providing for allotments is the Small Holdings Act, 1892, which enables a county council, if after due consideration by a committee which they are bound to appoint for the purpose they think themselves justified by the demand, to acquire land by agreement, and to improve and adapt it, for the purpose of providing small holdings (from one to fifty acres, or not exceeding fifty pounds annual value) for persons who desire to buy and will themselves cultivate the holdings.

On the sale of a small holding the purchaser is required to pay at once at least one-fifth of the purchase-money; the remainder (except one-fourth which may be secured by a perpetual rent-charge) is charged on the holding, and can be paid by instalments within a term not exceeding fifty years. For a minimum period of twenty years after the sale, certain restrictions as to letting, subdivision, and, assignment, erection of dwelling-houses, &c., attach to the holding; and, if at any time subsequently it is proposed to use it for any purpose other than agriculture, the county council, the former owner, and the owners of adjoining lands can successively claim to purchase it. The county council may delegate their powers for the adaptation, management, and disposal of small holdings to a committee consisting of members of the county council and of the council of the parish or borough in which the holdings are situated.

1888, c. 41,
s. 69 (2).

The borrowing powers of a county council under this Act are not subject to the limitation to one-tenth of the annual rateable value of the property in the county, as laid down in the Local Government Act, 1888, and the term for repayment may be extended to fifty years.

1892, s. 17.

The county council may also advance four-fifths of the purchase-money to any tenant purchasing a small holding from his landlord.

NOTES.

Note (a). At the local inquiry all authorities and persons interested are entitled to be heard by themselves or their agents; witnesses are also to be heard, but not counsel or "expert witnesses," except in cases prescribed by the Local Government Board. Any question of disputed compensation is referred to a single arbitrator (appointed, if the parties do not agree, by the Local Government Board); and, in fixing the amount of compensation, no additional allowance is to be made in respect of the purchase being compulsory.

Note (b). The effect of sub-sections (3) and (4) of section 6 of the Act of 1894, as regards a parish for which allotments have been provided under the Allotments Act, 1887, and which has a parish council, is that the district council may be petitioned under section 9 of the last-mentioned Act for the election of allotment managers in the parish, in place of those appointed by the district council, and then, by the operation of sub-section (4), the powers and duties of the managers devolve on the parish council itself.

Note (c). It is the duty of the Board of Agriculture, in approving of a sale of land under the Glebe Lands Act, 1888, either to require the land or part of it to be offered for sale in small parcels, or to the district council for the purposes of the Allotments Act, 1887, or else to satisfy themselves that such offer is not practicable without a sacrifice of price. 1888, c. 20, s. 8.

Note (d). The arbitrator, in fixing the rent or other compensation to be paid by the parish council is to take into consideration all the circumstances, including depreciation of value caused to the remainder of a holding through the severance of a part; also the use to which the land might otherwise be put by the owner during the term of hiring. Provision is also made for the resumption of the land in certain cases by the owner during the term, for mining purposes.

CHAPTER XVI.

WORKMEN'S DWELLINGS.

- (1) *Housing of the Working Classes Act, 1890.*
- (2) *Other Enactments.*

(1) HOUSING OF
THE WORKING
CLASSES ACT.
1890, c. 70.
*Part I.—Un-
healthy Areas.*
Ss. 1–28.

THE greater part of the law dealing with this subject has been consolidated in the Housing of the Working Classes Act, 1890.

Part I. of this Act, dealing with "Unhealthy Areas," reproduces without much alteration the series of Acts dating from 1875 which were known as "Cross's Acts." Under this Part, it becomes the duty of the council of a county borough or urban district to take action when it is officially represented to it by its medical officer of health that within a certain area in the borough or district either (a.) any houses, courts, or alleys, are unfit for human habitation; or (b.) the narrowness, closeness, and bad arrangement, or the bad condition of the streets and houses, or the want of light, air, ventilation, or proper conveniences, or other sanitary defects, are dangerous or injurious to the health of the inhabitants, and that the evil cannot be effectually remedied except by an improvement scheme for the rearrangement and reconstruction of streets and houses in the area. The medical officer of health is bound to inspect and report upon an area said to be unhealthy whenever called upon by two justices or twelve ratepayers, and on appeal the Local Government Board may appoint a medical practitioner to inspect and report. If the council is satisfied of the facts and of the sufficiency of its resources it is its duty to make a scheme, subject to confirmation by Provisional Order of the Local Government Board and by Act of Parliament, for the improvement of the unhealthy area. The council has to arrange for the proper carrying out of the scheme, but is not allowed itself to undertake the work without the express approval of the Local Government Board. Land can be acquired at a price to be assessed with due regard to the condition of the premises and without any additional allowance for compulsion. The Local Government Board may require the scheme to provide for the accommodation of persons of the working classes who are displaced in the

area affected. (In London the provision of such accommodation is the rule.)

The local authority has a special "dwelling-house improvement fund" for the purpose of carrying out this Part of the Act, and the fund is supplied, so far as any excess of expenditure over receipts may require it, out of the sanitary rate or by money borrowed on the security of the rate. If the local authority fails to carry out the scheme the Local Government Board can interfere. [As regards schemes for small areas in both urban and rural districts, see Part II. of the Act, below.]

Part II., which embodies the provisions of "Torrens's Acts" with modifications enlarging the powers and duties of the local authorities, is headed "Unhealthy Dwelling-houses." It deals both (i.) with dwelling-houses which are themselves in a state so dangerous or injurious to health as to be unfit for human habitation, and also (ii.) with "obstructive" buildings, *i.e.*, buildings so situated that by reason of proximity to others they either stop ventilation, or otherwise conduce to make such other buildings unfit for human habitation or dangerous or injurious to health, or prevent proper measures from being taken for remedying any evils connected with such other buildings.

*Part II.—Un-
healthy Dwell-
ing-houses.
Ss. 29-52.*

(i.) It is the duty of the council of every county borough and county district (both urban and rural) to take proceedings before justices under the Public Health Acts for summarily closing, as a nuisance, any dwelling-house which is in a state so dangerous or injurious to health as to be unfit for human habitation, and then, if after a closing order has been made the council considers that proper steps are not taken to cure the defects, and that the continuance of the building is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses, it is the duty of the council to give notice to the owner and to order the demolition of the building unless the owner forthwith undertakes the necessary works. This order, unless a successful appeal against it is made to quarter sessions, has to be carried out within three months.

(ii.) When the local authority, after considering all the circumstances and the probable cost, and hearing any objections from the owner, decides to proceed in the matter of an obstructive building, it makes an order, which is subject to an appeal to quarter sessions, requiring it to be pulled down. Then, unless the owner agrees to the demolition and claims to retain the site (in which case he will not be allowed to erect any new building of an unhealthy or obstructive character), the local authority can purchase the land and pull down the building, the site or part of it being kept as an open space or dedicated as a highway, and any part not so appropriated being sold.

Schemes for reconstruction can also be made under this Part of the Act, both

(i.) as regards the sites of unhealthy or obstructive buildings whose demolition has been ordered under this Part (if the local authority considers that it would be beneficial to the health of the inhabitants of the neighbouring dwelling-houses that the area should be dedicated as a highway or open space, or used for the erection of dwellings for the working classes, or exchanged for other neighbouring land more suitable for the latter purpose); and

(ii.) as regards any area of such a character as can be dealt with under Part I., but in the opinion of the local authority too small to be so dealt with.

Such a scheme has to be sanctioned by an order of the Local Government Board made after local inquiry; which order, if the local authority agrees for the purchase of the whole area, is final except so far as it provides for compulsory purchase, but otherwise is provisional until confirmed by Parliament. If circumstances so require, provision must be made for the dwelling accommodation of persons of the working classes who are displaced by the scheme. There are special provisions regulating the assessment of compensation (*a*).

1894, c. 55.

Expenses are defrayed and money may be borrowed as for sanitary purposes, and in a rural district are "special."

Local authorities are required to make special yearly reports to the Local Government Board of their proceedings under this Part of the Act. The county council can intervene and assume the functions of a local authority which fails to take proper action.

*Part III.—
Lodging-houses.
Ss. 53–71.*

Part III. consolidates the Labouring Classes Lodging Houses Acts, and may be adopted by the councils of county boroughs and of urban districts, and also (if sanctioned by the county council, having regard to the requirements of the case and to financial considerations) of rural districts. The local authority may acquire land under the powers of the Public Health Acts, and may erect, purchase, or lease, and fit up and furnish buildings suitable for lodging-houses for the working classes (including in the term "lodging-houses" separate houses or cottages whether containing one or several tenements, and including in the case of a cottage a garden of half an acre, provided its value does not exceed £3 a year). The management and control of the lodging-houses is vested in the local authority, which may make byelaws, subject to confirmation by the Local Government Board, for securing decency and orderly behaviour among the inmates, and other matters.

Expenses are defrayed as sanitary expenses, and in a rural district they may be either special or general, and levied over either the whole

or part of the district, as may be settled by the county council. Money may be borrowed.

This Part provides, further, for the issue of loans by the Public Works Loan Commissioners to railway and other companies, and in some cases to private individuals, for the construction or improvement of dwellings for the working classes. *See also 1881, c. 38, s. 11.*

The Public Health Acts enable any sanitary authority (whether urban or rural) to close cellar dwellings, register and regulate by bye-laws "common lodging-houses," and also ordinary lodging-houses, and tents, vans, sheds, and similar structures used for human habitation. Any sanitary authority may also make bye-laws for the decent lodging of persons engaged in picking hops, fruit or vegetables within its district. *(2) OTHER ENACTMENTS. 1875, c. 55, ss. 71-90. 1885, c. 72, ss. 8-10. 1890, c. 59, s. 32. 1875, s. 314. 1882, c. 23.*

Under the Merchant Shipping Act, 1894, the sanitary authority of any seaport town may, with the sanction of the Board of Trade, make bye-laws for licensing and regulating seamen's lodgings. *1894, c. 60, s. 214.*

Municipal corporations are specially authorised to convert corporate land into sites for working men's dwellings. *1882, c. 50, s. 111.*

The purposes of the Improvement of Land Act, 1864, include "the erection of labourers' cottages," and "the improvement of and addition to labourers' cottages," but with a view only to the permanent improvement of the value of private estates. For these purposes life-owners and other owners of land for long but limited terms are enabled, with the sanction and under the control of the Board of Agriculture, to charge the inheritance or reversion of the land. And under the Settled Land Act, 1882, limited owners may sell settled lands and invest the proceeds in certain authorized classes of improvements, including cottages for labourers, farm-servants, and artisans, whether employed on the settled land or not, and any buildings available for the working classes the building of which is not injurious to the estate (*b*). *1864, c. 114. 1882, c. 38, ss. 25, 30. 1890, c. 70, s. 74.*

NOTES.

Note (a). For expenses incurred by an owner on works required by a local authority under Part II. of the Housing of the Working Classes Act, an annuity of 6 per cent. for thirty years may by order of the local authority be charged on the premises in favour of the owner and his personal representatives.

In settling the amount of compensation to be paid by the local authority for the demolition of a building under this Part, the arbitrator is to make allowance for

any increased value thereby accruing to other dwelling-houses belonging to the same owner.

Note (b). By the Standing Orders of the House of Commons it is required that a copy of any private Bill containing power to take compulsorily or by agreement ten or more houses, occupied wholly or partly by persons belonging to the labouring class, shall be deposited with the Local Government Board, and that every such Bill shall give security for the provision of new dwellings for the persons displaced, to the extent approved by the Local Government Board.

CHAPTER XVII.

EDUCATION.

- (1) *Elementary Schools.*
- (2) *Poor-Law Schools.*
- (3) *Reformatory and Industrial Schools.*
- (4) *Technical Instruction.*

THE Elementary Education Act, 1870, was passed to ensure the proper provision of public elementary schools, and the efficient education of children at them. For this purpose, school boards may be elected in any district, and must be elected where the public school accommodation is found insufficient by the Education Department of the Privy Council. The "school district" under the Elementary Education Acts is ordinarily the poor-law parish, but in municipal boroughs it is the borough. The Education Department can unite school districts, and merge small parishes in others, and form "contributory districts."

(1) ELEMENTARY SCHOOLS.
 1870, c. 75.
 1872, c. 27.
 1873, c. 86.
 1874, c. 90.
 1876, c. 79.
 1880, Sess. 2, c. 23.
 1885, c. 38.
 1890, c. 22.
 1891, c. 56.
 1893, cc. 42, 51.
 1870, ss. 40-50.

A school board consists of from 5 to 15 members, who hold office for three years. It is elected by ballot and the cumulative vote—in boroughs by the burgesses, and in parishes by the ratepayers. A school board has to provide, maintain, and manage a sufficient number of public elementary schools. It is subject to the general control and inspection of, and may be dissolved by, the Education Department.

Application for the formation or dissolution of a school board may be made to the Education Department by the electors (in a rural parish by the parish meeting).

1893-4, c. 73,
 s. 52 (2).

A child under the age of 11 may not be taken into employment unless he also gives a full attendance at school. A child between the ages of 11 and 14 may be totally or partially exempted from school attendance on obtaining a certificate that he has reached a prescribed standard of education, or, in the case of a child over 13, that he has attended school 250 times a year for five years. Children under 11 cannot be employed in factories or workshops.

1870, s. 74.
 1876, ss. 5, 9,
 24.
 1880, s. 4.
 1893, c. 51.

1891, c. 75,
 s. 18.

The prohibition on employment is to be enforced (except in factories and workshops) by the school board, or, if there is none, then by a school attendance committee of the town council in a borough,

1876, s. 7.

and elsewhere of the poor law guardians. These same authorities are, under the Acts of 1876 and 1880, to enforce the attendance at an elementary school of all children not otherwise educated, and to make bye-laws for regulating their attendance. In their default the Education Department may itself make bye-laws, or may supersede a defaulting school board or school attendance committee. In an urban district, with a population of 5,000 or upwards, which is not a municipal borough, and which is co-extensive with a parish or parishes having no school board, a school attendance committee may by leave of the Education Department be appointed by the district council. In certain other cases members of the district council may be associated with the school attendance committee of the guardians (a).

The education of children on canal boats is enforced by the school board or school attendance committee of the place in which the boat is registered, with the aid of the Government inspectors under the Canal Boats Acts.

Expenses.
1870, s. 54.
1876, ss. 30-33.

The expenses of school boards and school attendance committees (so far as they are not defrayed by Parliamentary grants, loans, or school fees) are to be paid in a borough out of the borough rate, in a parish out of the poor rate, and in a union or urban district (other than a borough) out of a common fund raised by contributions from the several parishes, as in the case of the common fund for the relief of the poor. In no case does a school board levy its own rate.

Fee Grant.

Under the Elementary Education Act, 1891, a "fee grant" is annually voted by Parliament, amounting to 10s. for each child between the ages of 3 and 15 of the number in average attendance during the year at any public elementary school, not being an evening school, which accepts it; and the school fees must then be either discontinued or correspondingly reduced. And, if the amount of free school accommodation is insufficient for the demands of any school district, a school board is, if necessary for supplying the deficiency, to be established.

1893, c. 42.

The school board, and where there is none the district council, acting through a committee, have to provide for the elementary education of blind and deaf children residing in their district.

Voluntary Schools.

The large class of voluntary schools which are "public elementary schools" as defined in the Elementary Education Acts, being under private management, are outside the province of Local Government; though, since they receive a Parliamentary subsidy, they are subject to inspection and control by the Education Department (b).

(2) POOR-LAW SCHOOLS.

The education of pauper children is provided for in public elementary schools, or in schools established by the guardians either in con-

nexion with the workhouses or separately, or else in schools established under the poor law in special school districts. These school districts for the education of pauper children may be formed by the combination of unions and parishes not in union. They are formed and altered by order of the Local Government Board with the consent of the majority of the guardians in each union or parish. The authority of a school district is a district board composed of the chairmen of the boards of guardians and of qualified ratepayers elected by the guardians. The expenses of the schools are charged on the constituent unions and parishes in proportion to their rateable values. In 1892 there were only five or six school districts outside London (c).

1844, c. 101,
ss. 40-49.
1848, c. 82.
1868, c. 122,
ss. 10-12.

Reformatory schools may be provided or contributed to either by the council of any county or of a municipal borough having a population over 10,000 in 1881, or by private persons. The same authorities and persons, and also school boards, may provide or contribute to industrial schools and day industrial schools, but in a borough having a school board this power is withdrawn from the town council. Reformatory and industrial schools have to be certified by and are under the supervision of the Home Office, and are subject to regular inspection. Expenses incurred by county or borough councils are paid out of the county or borough rate. Poor law guardians and the authorities appointing a school attendance committee may respectively contribute towards the cost of children sent to a certified industrial school on the application of the guardians or committee.

(3) REFORMATORY AND INDUSTRIAL SCHOOLS.
1866, cc. 117, 118.
1870, c. 75, ss. 27, 28.
1872, c. 21.
1879, c. 48.
1888, c. 41, ss. 3, 38.

A series of recent Statutes has made provision for affording local instruction in the principles of science and art applicable to industries, and in the application of special branches of science and art to specific industries or employments, the precise limits of which instruction may be defined by the Department of Science and Art; and manual instruction in the use of tools, processes of agriculture, and modelling in clay, wood, or other material, may also be given. Under these Acts the council of any county, county borough, or urban district, may either itself supply technical or manual instruction, or contribute to its supply by any board school, or by any other school or institution (not being conducted for private profit) which is aided by the Department of Science and Art; but in the latter case the council must be represented on the governing body in proportion to the amount of its contribution; and the transfer to the council of a school for science or art under other management is facilitated. Assistance may also be given by the provision of scholarships or payment of fees for students.

(4) TECHNICAL INSTRUCTION.
1889, c. 76.
1890, c. 60, s. 1.
1891, cc. 4, 61.

The yearly rate to be raised for the purposes of these Acts is limited to a penny in the pound, but a further contribution may be made by

the council of any county or county borough out of the share received by them from the "local taxation (customs and excise) duties."

1890, c. 60,
s. 1.
1891, c. 4,
ss. 2, 3.
1892, c. 29.

Governing bodies of institutions established for these and other kindred purposes are, by the Technical and Industrial Institutions Act, 1892, given special facilities for acquiring land and making bye-laws.

1889, c. 40

In Wales and Monmouth the county councils are allowed to contribute yearly, to the extent of $\frac{1}{2}d.$ in the £, out of their rates to schools for intermediate and technical education, established under schemes initiated by "joint education committees" under the Welsh Intermediate Education Act, 1889. Every county council must be adequately represented on the governing body of a school to which it so contributes.

NOTES.

Note (a). On the 1st April, 1893, there were 167 school boards in municipal boroughs having an aggregate population of nearly 9 millions, and 2,163 school boards for 3,207 parishes having an aggregate population of over $5\frac{1}{2}$ millions.

At the same period a school attendance committee was in existence in each of the 131 remaining boroughs, and in each poor law union of which any portion was not under the jurisdiction of a school board. There were also 72 such committees appointed by urban sanitary authorities. The total area for which school attendance committees were appointed had a population of nearly $10\frac{1}{2}$ millions.

The number of board schools outside London on the 31st August, 1892, was 4,461. For particulars respecting expenditure of, and parliamentary contributions to, school boards, see Table E, p. 125, and Table F, p. 127. School board loans outstanding in 1892 amounted to about $12\frac{1}{2}$ million pounds, excluding London.

Note (b). The number of voluntary schools in England and Wales (London excluded) receiving the parliamentary grant was, in 1892:—

National or Church of England	11,580
Wesleyan	512
Roman Catholic	875
British, Undenominational, &c. . . .	1,294
	<u>14,261</u>

Note (c). In 1892, 148 unions and parishes not in union (including London) provided for the education of their pauper children wholly or partly in workhouse schools, 66 in separate schools, and 29 in district schools; while 378 sent children to public elementary schools.

CHAPTER XVIII.

DRAINAGE AND EMBANKMENT.

GENERAL powers for regulating drainage and defence against water are given to local authorities by three classes of Acts; namely—

- (1.) The Sewers Commissions Acts ;
- (2.) The Land Drainage Act, 1861 ; and
- (3.) The Public Health Act, 1875.

In addition to these general powers there are many local Acts, and in some places (as Romney Marsh) there are ancient laws of “sewers,” which do not derive their authority from any known Acts of Parliament.

There are also Acts giving large powers to owners for the improvement of their lands by drainage, including compulsory powers over the lands of other persons to be exercised with the sanction of the Inclosure Commissioners, now the Board of Agriculture.

The following is a summary of the provisions of two out of the three classes of general Acts above mentioned: the powers of urban and rural district councils under the Public Health Act in relation to sewerage are mentioned in Chapter VIII. (p. 40).

The Sewers Commissions Acts provide for the appointment (under the great seal) of Courts of Commissioners of Sewers for districts which may include the whole or any parts of a county or counties. Their jurisdiction extends only to the sea coast and navigable or tidal rivers, or such water-courses as “shall or may directly or indirectly communicate” with navigable or tidal rivers. Their powers include the supervision, erection and maintenance of sea and river walls and of sluices, and the scouring of watercourses and other means of defence against the sea, and of relief from superfluous land waters. Each court may divide its district into sub-districts, and may levy general or special sewers rates, either throughout their district or in distinct levels or sub-districts. By the Act of 1841 (s. 1), the assessment of a rate on lands in each parish or place within a district is to be so made, “that such lands and hereditaments shall contribute thereto in proportion to

1847, c. 38.
1864, c. 114.
1877, c. 31.

(1) *Sewers
Commissions
Acts.*

1531, c. 5.
1533, c. 10.
1549, c. 8.
1571, c. 9.
1708, c. 33.
1833, c. 22.
1841, c. 45.
1849, c. 50.

the benefit and advantage received or capable to be received from the said court, as compared with the lands and hereditaments of the other parishes, townships, or places within such jurisdiction." The principal officers or servants of a sewers court are a clerk, a treasurer, a surveyor and dyke reeves. It has compulsory powers for taking land under order of the Board of Agriculture.

The powers of these commissions for the purposes mentioned in the Acts are limited by two restrictions. Firstly, they cannot act (except in emergency) unless upon a presentment made by a jury. Secondly, by the Act of 1833 (s. 21), no new works can be made without the consent of three-fourths in value of all the owners and occupiers in the "valley, level, or district" proposed to be charged with the cost.

By the Act of 1841, the sewers rates are to be assessed in gross on each parish, township, or place, in proportion to the benefit received by each of these areas; and the sum payable by each area is to be further apportioned among the occupiers in that area.

(2) *Land Drainage Act, 1861, c. 133.*

The Land Drainage Act, 1861 (which followed upon a number of Acts for encouraging drainage by individual owners), extends to inland as well as maritime places. It provides in the alternative for two kinds of organization, namely:—

- a. Drainage "areas," under new commissions of sewers;
- b. Drainage "districts," under elective drainage boards.

The areas or districts may be of any extent.

The powers which these bodies may exercise are *prima facie* of the most extensive kind, including the construction or maintenance of every kind of work for defence of land against water, or for relieving land from water, and including unlimited powers of rating. But these *prima facie* powers are subject to important limitations.

a. As regards "Commissions of Sewers for Drainage Areas," the Act is limited as follows:—

- (i.) The jurisdiction of an old commission of sewers cannot be affected without the consent of that commission (s. 4);
- (ii.) A petition for a new commission shall be dismissed if one-third of the proprietors in the proposed area dissent (s. 5);
- (iii.) No mill-dam, weir, or other like obstruction can be interfered with, if two justices in petty sessions determine that the injury "is not of a nature to be fully compensated for by money" (s. 17);
- (iv.) No land can be taken compulsorily, except by Provisional Order, confirmed by Parliament (s. 21);

- (v.) Improvements or works costing more than £1,000 cannot be made if the owners of half the land which is to be rated for them dissent (s. 31) ;
- (vi.) The commissioners cannot interfere, except by consent, with any sewers or drainage works, made under any local Act, or with canals, waterworks, &c., worked for profit, or under local Acts (ss. 54, 57).

b. Elective drainage boards for "separate drainage districts" must be constituted by Provisional Order, confirmed by Parliament, and made on the motion of the owners of one-tenth of the land affected, and with the approval of the owners of two-thirds of the land. No place within the limits of any commission of sewers or of any urban sanitary district can be included in a "separate drainage district" under this Act without the consent of the commissioners of sewers or urban sanitary authority.

Whenever any works under this Act involve an expenditure exceeding £1,000, the expense is to be defrayed out of a rate levied on owners exclusively. In other cases the rate is apparently to be levied as under the old Sewers Commissions Acts (s. 38).

During the financial year 1891—2, there were in existence fifty commissions of sewers constituted under the old Acts or the Act of 1861, and 229 districts under the jurisdiction of boards formed under Part II. of the Act of 1861 or under local Acts.

CHAPTER XIX.

MISCELLANEOUS MATTERS.

IN the present chapter a number of minor matters are summarised under various heads, grouped as far as possible according to the districts in which they are administered (though this grouping is not exhaustively correct) ; namely,

SUBJECT-MATTER.	PRINCIPAL AREAS OF ADMINISTRATION.
I.—Adulteration	County and Borough.
II.—Bridges	
III.—Diseases of Animals	
IV.—Prisons	
V.—Weights and Measures	Union.
VI.—Registration of Births, &c.	
VII.—Vaccination	Parish, County and Borough.
VIII.—Registration of Electors	
IX.—Baths and Washhouses	Rural Parish and Urban District.
X.—Libraries, Museums, and Gymnasiums	
XI.—Lighting	Urban and Rural District.
XII.—Tramways	
XIII.—Factories and Workshops	Special Districts.
XIV.—Fisheries	
XV.—Harbours	
XVI.—Taxes	

I.—ADULTERATION.

1875, c. 63.
1879, c. 30.
1888, c. 41,
s. 39.

Under the Sale of Food and Drugs Acts, analysts may, and when required by the Local Government Board must, be appointed for boroughs having a separate court of quarter sessions or a separate police force, and having had in 1881 a population above 10,000, and elsewhere by the county council. The rates are the borough and county rate respectively, and boroughs which have their own analysts receive back an allowance from the county on account of their contribution to the county expenditure.

1893, c. 56.

Councils of counties and boroughs have to appoint, either separately or in conjunction with one another, agricultural analysts for the purpose of enforcing the Fertilisers and Feeding Stuffs Act, 1893, and protecting purchasers of such stuffs.

II.—BRIDGES.

At common law the inhabitants of a county at large were *prima facie* liable to repair all public bridges in the county. (2 Coke, Inst. 700.) But by usage, prescription or ancient tenure, hundreds, parishes, townships, corporations or individuals, may be liable to repair. (See *R. v. Hendon*, 4 B. & Ad. 628 ; *R. v. Ecclesfield*, 1 B. & Ald. 359.)

Under the Statute of Bridges (22 Hen. VIII. c. 5) and the amending Acts, the general liability to repair public bridges, if outside cities and towns corporate, was imposed upon the inhabitants of the county, if inside, on the inhabitants of such city or town ; but the liabilities of the inhabitants of a county are now transferred to the county council. In a county the county council, and in a municipal borough the town council, superintend the repair, widening, improvement and rebuilding of such bridges, and may borrow money for these purposes. The expenses are charged and loans secured on the county and borough rate respectively. No bridge built by a private person or corporation after 1803 could become a county bridge, unless built under the superintendence of the county surveyor, or (in the case of a bridge built before 1878) accepted by the county authority.

Now, however, the councils of counties and of county boroughs may purchase or take over bridges on terms agreed on, and may erect new bridges. And county and district councils may enter into agreements for the construction or alteration of bridges in which they respectively are interested.

The approaches to any public bridge, for the space of 300 feet on each side, are repairable by the same authority as the bridge, except in case of bridges built after the 20th March, 1836, when the approaches and road over the bridge (unless it is a main road) are repairable by the highway or other authority or person previously liable to repair the road.

Where a turnpike road has become a highway, the bridges become county bridges. Bridges carrying main roads are in general repairable by the county council.

III.—DISEASES OF ANIMALS.

For the purposes of the Diseases of Animals Act, 1894, the local authorities are, for each borough with a population above 10,000 according to the census of 1881, the borough council, and, for the residue of each administrative county, the county council. The local authority is required to appoint a committee or committees, to which it may delegate all or any of its powers, except that of making a rate, and any other powers which the Board of Agriculture may reserve. It may appoint upon a committee any rated occupiers in addition to members of its own body, and if it thinks fit can appoint a single executive committee, with all the powers of the local authority (except that of making a rate), and with power to appoint sub-committees. A county council is also allowed to delegate any of its powers under this Act to petty sessions or to a district council. Districts (i.e., the areas under the several local authorities) may, for the purpose of administration, be wholly or partly transferred from one local authority to another, and joint districts may be formed. The local authorities have to enforce the Act under the supervision of the Board of Agriculture, and for that purpose must appoint veterinary

and other inspectors and officers. They may provide places for the reception and slaughter of animals, and have large powers (subject to the orders of the Board) for inspection, for the slaughter (on certain terms as to compensation) of diseased animals and animals likely to be infected, for prohibiting the removal of animals, and for compelling disinfection. The Board of Agriculture may intervene where a local authority fails in its duty.

Expenses are paid out of the county and borough rates. In any year in which the amount required would exceed 6*d.* in the pound, it may be borrowed for a term of seven years, which may be increased to fourteen years if it would exceed 9*d.*

1877, c. 68. The above-mentioned authorities and rates are also the authorities and rates for the Destructive Insects Act, 1877.

IV.—PRISONS AND LOCK-UP HOUSES.

1877, c. 21,
ss. 13—15. The sole duty of local authorities in connection with the management of prisons is now the appointment of visiting committees. This appointment is made annually by the county quarter sessions or the borough justices according to rules made by the Secretary of State. The duty of each committee is to visit the local prisons, authorise certain punishments, and report to the Secretary of State. Any justice is also entitled to visit a prison within his jurisdiction.

1842, c. 109,
s. 22.
1848, c. 101.
1868, c. 22.
1840, c. 88,
s. 12.
1856, c. 69,
s. 22.
1882, c. 50,
s. 105.
1888, c. 41,
ss. 3 (iv), 64. County and borough councils have powers under various Acts for providing lock-up houses and strong rooms for the temporary confinement of persons taken into custody. It is the duty of every county council to provide such accommodation as may be determined by the standing joint committee to be necessary or proper for the due transaction of the business of the justices.

V.—WEIGHTS AND MEASURES.

1878, c. 49.
1889, c. 21.
1892, c. 18.
1893, c. 19. Under the Weights and Measures Acts the local authority in every county and borough provides local standards of measure and weight, and means for verifying weights and measures by comparison with such standards. It also has to appoint qualified inspectors of weights and measures, and allot them districts, make bye-laws and regulations (with the approval of the Board of Trade) for regulating the verification and stamping of weights and measures and the duties of the inspectors, &c., and in particular for securing the delivery of full weight on sales of coal.

1888, c. 41,
s. 39. The councils of counties and county boroughs are local authorities for the purposes of these Acts, as also are the councils of boroughs with a population above 10,000 according to the census of 1881, subject to this qualification, that a non-quarter sessions borough is merged in the county unless the town council resolves to be an independent authority.

Expenses are paid out of the county or borough rate, but boroughs having their own inspectors are entitled to receive back from the county the proportionate amount contributed by them to the county expenditure incurred in the execution of the Acts.

1878, ss. 54, 69.
1892. Besides the local authorities under the Act, other bodies (vestries, commissioners, borough justices, &c.), have under local Acts or charters powers in

respect of weights and measures, which powers, however, may be bought up by the local authorities, by agreement.

Under the Sale of Gas Acts the local authority is to provide gas-meters, stamps, &c., and appoint inspectors for enforcing the Act. The local authority is the county council for a county, and the town council for a borough, but the borough justices are substituted for a town council which itself supplies gas. *Gas Inspectors.* 1859 (2) c. 66. 1860, c. 146. 1889, c. 21, s. 15.

The Acts only treat as separate areas those boroughs which were in 1859 "county towns where gas is used," or in which the local authority has resolved to adopt the Act at some time previously to the 13th April, 1861; and boroughs with a population under 10,000, according to the census of 1881, are merged in the county. When adopted, the Acts supersede all like powers under local Acts. The expenses are paid out of "the county stock," and in boroughs out of the lighting or borough rate. 1888, c. 41, s. 39.

Under the Gasworks Clauses Act, 1871 (which applies to all future gas undertakings unless specially excluded), "the local authority of any district," not itself supplying gas, may appoint gas examiners to test the gas supplied. 1871, c. 41, s. 29.

In certain counties (Yorkshire, Lancashire, Suffolk, &c.) a committee of woollen and yarn manufacturers may appoint inspectors to prevent frauds in those industries, and in the West Riding of Yorkshire the justices in quarter sessions may appoint searchers and measurers of cloth for like purposes. *Yarn Inspectors* 1777, c. 11. 1784, c. 3. 1785, c. 40. 1791, c. 56. 1765, c. 51. 1766, c. 23.

VI.—REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.

The district for registration of births and deaths is *primâ facie* the poor-law union. The guardians are required to divide their district into sub-districts and appoint a registrar in each sub-district, and a superintendent registrar for the whole district. The Registrar General, however, with the approval of the Local Government Board, may unite, divide, or alter districts for registration purposes, and declare what board of guardians shall appoint the superintendent registrar for a united district. The registrars and superintendents are removable by the Registrar General, who exercises a general control. The fees of registrars and expenses of registry offices are paid by the board of guardians out of the common fund for poor-law purposes, and in united districts the several boards contribute in proportion to the population of their respective areas. But boards of guardians receive out of the exchequer contribution accounts the equivalent of the contribution formerly made by the Treasury towards the remuneration of the registrars. This amounted for the year 1891-2 to £10,000. 1836, c. 86. 1837, c. 22. 1858, c. 25. 1865, c. 79, s. 1. 1874, c. 88. 1888, c. 41, s. 24.

The district for registration of marriages is the same; the superintendent registrar of births and deaths is also the superintendent registrar of marriages, and he has power, with the approval of the Registrar General, to appoint registrars of marriages. 1836, c. 85. 1837, c. 22. 1856, c. 119.

The registration sub-districts are also the units for taking the decennial census, each sub-district being divided into enumerators' divisions. 1890, c. 61.

VII.—VACCINATION.

1867, c. 84.
1871, c. 98.
1874, c. 75.

1888, c. 41,
s. 24.

The guardians in each poor-law union are (generally speaking) the local authority for the enforcement of the Vaccination Acts, subject to the control of the Local Government Board. Each union is ordinarily divided into vaccination districts, for each of which at least one public vaccinator is appointed, towards whose remuneration an allowance is made by the county councils. There are also vaccination officers who are charged with all duties of registering vaccinations, &c. These officers are appointed by the guardians, subject to the control of the Local Government Board. Vaccination expenses are payable out of the common fund of the union.

VIII.—REGISTRATION OF ELECTORS.

1843, c. 18.
1865, c. 36.
1878, c. 26.
1885, cc. 3, 15.
1888, cc. 10, 41.
1891, cc. 18, 68.
1893-4, c. 73.

The work of registering electors (as distinct from the holding of elections) is carried on partly by parishes, through the agency of the overseers, and partly by counties and boroughs, under the supervision of the clerks of county councils and town clerks. The registration of "parliamentary," "local government," and "parochial" electors is conducted by the same officers, through the same machinery, and, as far as possible, as one operation. The franchises, however, and the areas of voting for these three classes of elections not being identical, the voters' names have to be arranged in a greater variety of lists than would otherwise be necessary. Speaking generally, the parliamentary franchise comprises owners, occupiers, "service voters," and lodgers, but peers and women are excluded; the "local government" (i.e., the county council and municipal borough) franchise admits occupiers only, inclusive, however, of peers and unmarried women; while the "parochial" franchise, on which not only parish councillors, but district councillors (except in boroughs) and guardians are elected, includes all the above classes and married women as well, if they are "occupiers."

The registers are revised annually, and the new registers come into operation on the 1st of January in each year, except borough registers (or "burgess rolls") which date from the previous 1st of November. The work of revision commences in April, when the clerks of county councils and the town clerks of boroughs issue to the overseers of parishes certain precepts, the form of which was settled by Orders in Council under statutory authority, and which contain an elaborate code of instructions to guide the overseers in their various duties connected with the preparation of the lists of voters, of claims, and of objections, and with the publication and service of notices, &c. The overseers are bound under penalties to ascertain and enter in the rate book, as regards each dwelling-house, the names of any persons, other than the owner or actual ratepayer, who are entitled to be registered as inhabitants. The lists have to be made up and copies of them sent to the clerks of county councils and town clerks not later than the 25th of August. The overseers attend the courts of the revising barristers, whose work has to be done between the 8th of September and 12th of October, and the lists of electors, as finally settled, are returned to the clerks of county councils and town clerks, by whom they have to be printed and compiled so as to form the appropriate registers. The expenses of registration are defrayed partly out of the poor rate and partly out of the county or borough rate.

The duties of the overseers in relation to the registration of electors may be discharged by an assistant overseer, and in any rural parish or parishes not having an assistant overseer the guardians may, with the consent of the overseers, annually appoint and pay a fit person to act as registration officer in their place. 1888, c. 10, s. 4(2)(h).

IX.—BATHS AND WASHHOUSES.

The Baths and Washhouses Acts may be adopted in any county borough or urban district by the borough or district council, and (with the approval of the Local Government Board) in any rural parish by a two-thirds majority of the parish meeting. The authority to execute the Acts in a rural parish is the parish council, if there is one; otherwise, it may be either a special body of commissioners as provided in the Acts, or the parish meeting itself, which may appoint a committee. The purpose of the Acts is explained by their title, but during five months in the year a swimming bath may be turned into a gymnasium. Money may be borrowed, and expenses are payable in an urban district as sanitary expenses, and in a parish out of the poor rate, without any special restriction on the amount, except that they must be sanctioned by the parish meeting. The sixpenny limit does not apply to these expenses in a parish having a parish council. In the year 1891—92 these Acts were not in operation in any rural parish. 1846, c. 74.
1847, c. 61.
1875, c. 55, s. 10.
1878, c. 14.
1882, c. 30.
1893—4, c. 73, ss. 7, 11, 12, 19.

X.—LIBRARIES, MUSEUMS, AND GYMNASIUMS.

The Public Libraries Act, 1892 (consolidating and superseding former Acts), may be adopted for any county borough or urban district by a special resolution of the borough or district council, and for any rural parish by the parish meeting, but in the latter case a poll must be taken. The library authority for executing the Act is the borough, district, or parish council, or in a rural parish without a council commissioners appointed by the parish meeting, or, with consent of the county council, the parish meeting itself, which can appoint a committee for this purpose, as can also an urban council. When the Act has been adopted, all or any of the following institutions, viz., public libraries, public museums, schools for science, art galleries, and schools for art may be provided. Payment may be required from persons not belonging to the library district for the use of a lending library. Power is also given to library authorities to combine together, and also to obtain by agreement the use of libraries not belonging to them. Money may be borrowed, and expenses are payable in a borough out of the borough rate, in any other urban district out of the rate applicable to sanitary expenses, and in a rural parish out of a rate from which agricultural land is exempt to the extent of two-thirds. The annual rate is limited to 1*d.* in the pound. The Act has not hitherto been in operation in any rural parish. 1892, c. 53.
1893, c. 11.
1893—4, c. 73, ss. 7, 11, 12, 19.

The Museums and Gymnasiums Act, 1891, authorises the council of any county borough or urban district, which by special resolution adopts the Act, to provide museums or gymnasiums, or both, according to the terms of the resolution. Free admission to any such museum is compulsory on three days in the week, and to a gymnasium for two hours a day during five days in the week, except that a gymnasium may be closed to the public and used for

some special purpose on a limited number of days in the year. Money may be borrowed, and expenses are to be paid as for sanitary purposes, but the yearly rate is limited to $\frac{1}{2}d.$ in the pound for a museum, and the same for a gymnasium.

XI.—LIGHTING.

*Lighting and
Watching Act.*
1833, c. 90.
1851, c. 50.
1875, c. 55,
s. 163.

For watching purposes the Lighting and Watching Act, 1833, is practically obsolete, but there were, in 1891—92, 178 places where the Act was in operation for lighting, with an expenditure of £24,000. The area of adoption is any rural parish or part of a parish; in urban districts it is superseded, the urban council having corresponding powers under the Public Health Acts. The authority for adopting the Act is the parish meeting, a two-thirds majority being required. The inspectors elected under the Act as the executive authority are superseded by the parish council if there is one, except in cases where the Act has previously been adopted for an area differing from the existing rural parish, and either the inspectors do not choose to resign their functions to the parish council, or else, the area of adoption extending to more than one parish, the execution of the Act is entrusted to a joint committee. In a parish not having a parish council inspectors are elected by the ratepayers, one-third of them retiring annually; but on application to the county council the parish meeting itself may be made the executive authority. Provision may be made under the Act for lighting the parish, and fire engines may also be provided. Expenses are paid out of a rate levied like the poor rate, but houses, buildings, and property other than land are to be rated at three times as much as land.

*Public Health
Acts.*

The powers of an urban council for the gas-lighting of their district are noticed in Chapter VIII. (p. 42).

*Electric
Lighting.*
1882, c. 56.
1888, c. 12.

Under the Electric Lighting Acts any county borough or urban or rural district council may apply to the Board of Trade for a license or provisional order to supply electricity in any part of its district, and may when so authorized sub-contract with any company, &c., for such supply. The same authorities have also considerable control over other electric undertakings within their district, and a right to purchase them on special terms after 42 years. The expenses are paid as sanitary expenses, and in a rural district are "special." The Public Health Act borrowing powers apply.

XII.—TRAMWAYS.

1870, c. 78.
1884, c. 12.
1887, c. 65.
1893—4, c. 73,
ss. 6, 19.

The local authority under the Tramways Act, 1870, may apply for a provisional order, and construct tramways, and lease them when constructed, or take tolls for their use, but may not itself run carriages. It may also regulate by bye-law, and in certain cases may purchase, the tramways of other undertakers, and obtain permission to use military tramways. The local authorities are the council of a county borough or urban district, and elsewhere the parish council or parish meeting. The expenses are paid out of the sanitary rate and poor rate respectively.

Certain powers of removing tramways when disused are vested in the highway authority. No new tramway can be made without the consent of the local authority and highway authority.

XIII.—FACTORIES AND WORKSHOPS, &c.

The Factory and Workshop Acts were passed for the purpose of regulating the safety, sanitary conditions, &c., of, and the employment of women and children in, factories and workshops. They are in general executed by inspectors appointed by the Secretary of State. But the duty of enforcing the sanitary law, relating especially to cleanliness, lime-washing, ventilation, and the prevention of nuisances and overcrowding (and including certain special provisions affecting bakehouses), is now as regards *workshops* committed to the sanitary authority (*i.e.*, the council of every county borough and of every urban and rural district) and its officers, the Secretary of State and his inspectors having power to intervene if the sanitary authority fails to do its duty. The factory inspectors can also, where necessary, call for the aid of that authority in enforcing the ordinary sanitary law in factories.

1878, c. 16,
ss. 3, 4, 33—35
1883, c. 53,
s. 15—18.
1891, c. 75,
ss. 1—5, 36.

Under the Public Health Act, 1875, any workshop or workplace, if not properly cleansed and ventilated, or if overcrowded, becomes a nuisance abateable summarily on complaint of the sanitary authority. A furnace of a factory, &c., not consuming (as far as is practicable) its own smoke, is a nuisance abateable in like manner.

1875, c. 55,
ss. 91—96.
1878, s. 101.

Under an Act of 1872, the same authority may sanction the use of steam-whistles in factories subject to an appeal to the Local Government Board.

1872, c. 61.

The council of any county or borough may appoint inspectors to enforce the Shop Hours Act, 1892, which restricts the hours during which young persons under the age of 18 may be employed in shops, warehouses, &c.

1892, c. 62.

XIV.—FISHERY DISTRICTS.

Under the Salmon and Freshwater Fisheries Acts, 1861 to 1892, a county council may appoint conservators or overseers for the preservation of salmon and for enforcing the law; and the Board of Trade on the application of the county council may order that any rivers in a county, which are frequented by salmon or any freshwater fish, shall form a fishery district, either separately or jointly with rivers of another county. Each fishery district has a board of conservators, consisting partly of *ex officio* members (being owners or occupiers of fisheries), partly of members annually appointed by the county council (or by a joint fishery committee of two or more counties), and partly (where there are public or common rights of fishing) of members annually elected by persons licensed to fish. This board issues licenses, makes bye-laws as to close time, &c., appoints water-bailiffs, and generally enforces the laws for the protection of fish. At the beginning of 1892, 51 of these fishery boards were in existence, with a revenue for the year of £13,600, mainly derived from the sale of licenses.

1861, c. 109.
1865, c. 121
1873, c. 71.
1876, c. 19.
1878, c. 39.
1884, c. 11.
1886, c. 39.
1888, c. 41,
ss. 3, 34, 38.
1892, c. 50.

On the application of the councils of counties or boroughs the Board of Trade may by order made with the sanction of Parliament create sea fisheries districts comprising parts of the sea where British subjects have the exclusive right of fishing, and the adjoining coast. Such a district is placed under the management of a local fisheries committee of the county or borough council, (or, if two or more councils are interested, a joint committee,) together with an equal or greater number of fishery members representing the fishing

1888, c. 54.
1891, c. 37,
ss. 7—11.
1894, c. 26.

interests, inclusive of any board of salmon conservators in the district. The committee may, subject to the control of the Board of Trade, make bye-laws for regulating the sea-fisheries within its district and appoint fishery officers to enforce the law. The powers of a local fisheries committee may also be conferred on a board of salmon conservators. Down to March, 1892, committees had been constituted for seven districts; and their receipts during the year amounted to £4,400, which was received from the contributory county and borough councils.

XV.—MARINE AND HARBOUR BOARDS.

1894, c. 60,
ss. 94, 244—7.

A. Local Marine Boards are established under the laws now consolidated in the Merchant Shipping Act, 1894, in any seaports appointed by the Board of Trade. They consist of the mayor and stipendiary magistrate (if any), 4 members appointed by the Board of Trade, and 6 members elected by the qualified shipowners of the port. They make returns to the Board of Trade, and establish mercantile marine offices for the registry and engagement of seamen, examination of masters, and other matters connected with the sea service. The expenses are paid out of the Mercantile Marine Fund, a fund raised from fees, dues, and other sources mentioned in the Act.

ss. 676—8.

1847, c. 27.
1861, c. 45.
1862, c. 19.

B. There are also many Harbour, Pier, and Dock Authorities, constituted either by special Acts incorporating all or some of the provisions of the Harbours Clauses Act, 1847, or by the Board of Trade's Provisional Orders under the General Pier and Harbour Acts. In 1892 there were 88 of these authorities in England and Wales, with a revenue (excluding London) of 2½ millions, chiefly raised by tonnage dues and tolls. Their outstanding debts amounted to 31 millions.

1894, *clxxvii.*

The Thames Conservators appointed under the Act of 1894 (replacing former Acts) are a body composed of representatives of the Admiralty, Board of Trade, and Trinity House, of the councils of various counties and county boroughs, of the City of London Corporation, of the metropolitan water companies, of owners of ships, docks, barges, &c., and of wharfingers. They are invested with powers for regulating navigation, fishing, and order, and the registration of vessels, and for preserving the flow and purity of the water in the river Thames from Cricklade downwards.

XVI.—TAX COMMISSIONERS.

The districts formed for the collection of the imperial taxes have, as a rule, no connection with Local Government. But it seems desirable to notice shortly the local bodies that exist for the assessment of the land-tax, income-tax, and similar duties.

Land-tax.

1798, c. 5,
c. 60, s. 1.
1802, c. 116,
ss. 3, 180.
1827, c. 75.

The Land Tax was originally (like other taxes) an aid periodically granted by Parliament, but by the Act of 1798 (c. 60), was converted into a perpetual charge on the land, subject to a right of redemption. This Act permanently fixed the "quotas" or amounts to be paid by each county, or division of a county, and by each town, parish, or place. It however provided (by s. 74, now replaced by s. 180 of the Act of 1802) for a new assessment of the unredeemed portion of the quota (not exceeding 4s. in the £)

being annually made on the unredeemed lands within each "parish or place." (See *R. v. Tower Land Tax Commissioners*, 22 L. J. Q. B. 386.)

The Land-tax Commissioners are appointed and named for "divisions," *i.e.*, counties and divisions of counties and certain large towns, by the Act of 1798 (c. 5), and various subsequent Statutes. By the Act of 1827, all justices of the peace may act as such commissioners. In all cases a certain property qualification (*e.g.*, £100 a year in land in counties) is required. These commissioners appoint assessors for each "parish or place" within their division, and hear appeals against assessments.

The land-tax commissioners for each division are directed by the Income-tax Act, 1842, and amending Acts (revived annually by the Customs and Inland Revenue Act) to appoint, for the assessment of the income-tax and inhabited house duties, "General Commissioners," to act for the several inland revenue districts. They must have somewhat higher property qualifications (ordinarily £200 a year from real or personal property) than those of the land-tax commissioners. They appoint "additional commissioners" with lower qualifications to make assessments under Schedule D. None of the above commissioners are paid, but the Treasury appoint paid "Special Commissioners," without property qualification, as an alternative tribunal, the taxpayer being assessed at his option by his neighbours or by paid officials.

Income-tax.
1842, c. 35, s. 4.

Under the Taxes Management Act, 1880, the general commissioners annually in April appoint certain inhabitants of each "parish or place" to be assessors, and order them to make their returns to the commissioners in July. In default of other assessors the inland revenue surveyors act, and in any case these officers have to revise the assessments, and now under the annual Customs and Inland Revenue Acts they are the assessors for Schedules A. and B. of the income-tax and for the inhabited house duty. The commissioners allow the revised assessments, and hear appeals against them.

1880, (2) c. 19,
ss. 42-47.

The land-tax commissioners of any division may unite or disunite "parishes" for tax purposes, and the same commissioners at a general meeting for a county may transfer any "parish" (with the quota of land tax chargeable on it at the time of transfer) from one division of the county to another, or constitute new divisions. The approval of the Treasury is necessary in either case. The areas for assessment of income-tax and inhabited house duty are now generally identical with the poor law parish, but the Inland Revenue Board may divide large parishes, and the powers of the land-tax commissioners to unite parishes are still to a certain extent preserved.

ss. 36, 37.

The council of every county and county borough must within twelve months after the commencement of the Finance Act, 1894, and may thereafter appoint valuers for the purposes of the estate duty, and fix a scale of charges for their remuneration.

1884, c. 62, s. 6.

*Valuers for
estate duty.*
1894, c. 30,
s. 10 (6).

PART III.

LOCAL FINANCE.

CHAPTER XX.

VALUATION AND LOCAL ACCOUNTS.

- (1) *Valuation.*
- (2) *Audit of Local Accounts.*
- (3) *Local Taxation Returns.*

(1) VALUATION.

Poor rate.

1744, c. 38.
 1836, c. 96.
 1848, c. 110, s. 7.
 1862, c. 103.
 1864, c. 39.
 1868, c. 122.
 1869, c. 41, s. 13.
 1874, c. 54.
 1880 (2), c. 7.
 1882, c. 50,
 s. 144.

IN this and the following chapter it is proposed to give a brief review of the most important matters incident to local finance, excluding rates, which are dealt with in other chapters. (See especially pp. 19, 23, 32, 37, 43.)

Of these perhaps the most important is the settlement of the valuation list for poor law purposes, since that list is taken for the great majority of local rates, *i.e.*, for the poor rate and for others levied on the basis of the poor rate, including borough and urban sanitary rates. But, as regards the borough rate, if the council is not satisfied with the poor law valuation, it may cause an independent valuation to be made.

The following is an outline of the ordinary mode of valuation under the Union Assessment Acts, 1862 to 1880, which apply to all parishes in a union formed under the Poor Law Amendment Acts, and may also be applied by order of the Local Government Board to other parishes, whether under separate boards of guardians or in union under any local Act. In parishes in which no regular valuation is made under the Union Assessment Acts, or a local Act, there is no valuation list properly so called, but the value of the tenements has to be determined in each "assessment" made by the overseers (see Ch. VII. p. 37), and is subject to appeal to the justices in special sessions. In these cases, however, a general survey and valuation of property rateable in the parish may be made at any time on application of the overseers by order of the Local Government Board.

1862, 1864,
 1880.

1862, s. 45.
 1880, s. 2.

1836.

Rateable value
 1836, s. 1.

The valuation list of a parish is a statement of the gross estimated

rental and rateable value of all the rateable property in the parish. By the Parochial Assessment Act of 1836, every poor-rate must be made "upon an estimate of the net annual value of the several hereditaments rated thereunto; that is to say, of the rent at which the same might reasonably be expected to let from year to year, free of all usual tenants' rates and taxes, and tithe commutation rent-charge, if any, *and deducting therefrom the probable average annual cost of the repairs, insurances and other expenses, if any, necessary to maintain them in a state to command such rent*: Provided always, that nothing herein contained shall be construed to alter or affect the principles or different relative liabilities (if any), according to which different kinds of hereditaments are now by law rateable." This is the "rateable value." Every valuation must also show the "gross estimated rental," which by the Act of 1862, s. 15, is required to be calculated in the same way, but without the deductions shown in *italics* above. "Rateable hereditaments" include land and buildings, railways and canals, gas and waterworks, mines and quarries, sporting rights, and tithe rent-charge (tithes having been made directly rateable by the poor law Statute of Elizabeth).

The settlement of the valuation list of a parish includes three stages, *Settlement of valuation list.*
viz. :—

- (i.) The preparation of a list by the overseers of the parish.
- (ii.) The correction of the list by the assessment committee of the guardians of the union.
- (iii.) Appeals to the justices in special sessions and quarter sessions, and to the High Court.

It will be convenient to describe at the outset the constitution of the assessment committee under the Act of 1862.

The guardians of every union formed under the Act of 1834 must annually appoint an assessment committee out of their own members. The number may be from six to twelve. The appointment is made in April or May. If the union is conterminous with a municipal borough, the council of the borough may, on the invitation of the guardians, appoint an equal or less number of councillors to be members of the committee.

The overseers in every parish prepare a list, which is ordinarily a copy of the last approved valuation list, with such alterations (if any) as the overseers think proper to make. This list is deposited in the parish for inspection during fourteen days, and notice of the deposit is published. It is then transmitted to the committee.

Within twenty-eight days from the notice of deposits (or in certain cases at any time, see 1868, s. 1), any aggrieved person or the parish council (or, where there is none, overseers) of any aggrieved parish may give notice of objection to the committee and to parishes or persons affected by the objection. The objection must be on the ground of unfairness, incorrectness, or omission in the valuation. The committee hears and determines the objections. It may also, with or without objection, and at any time and on any information, make such alterations as it thinks fit, and may employ a person to value generally or in any special case. When satisfied, the committee approves and signs the list. If it has been altered, it is re-deposited, and may come back to the committee for a fresh hearing and approval. Also, if any alteration is made necessary by the decisions of special sessions or quarter sessions (see below), the committee alters the list accordingly. Finally, it adds up the totals of gross rental and of rateable value, and approves and signs the list and delivers a copy of it to the overseers, and also sends the parish totals of gross rental and rateable value to the clerk of the peace. The list as so approved and delivered becomes "the valuation list in force," subject to supplemental lists which may from time to time be made and approved in like manner. The valuation list, as so settled, becomes the only legal basis for the poor-rate and for any other rate leviable on the basis of the poor-rate; but it is not binding for the purpose of imperial taxes or the county rate. The contributions of the several parishes to the common fund of the union are calculated according to the totals of their rateable values in this list, with the addition of any Government contribution in respect of Government property in a parish. Guardians may appoint a permanent salaried valuer to assist the committee.

Appeal.

1601, c. 2, s. 5.
1744, ss. 4—6.
1801, c. 23.
1820, c. 36.
1836, ss. 6, 7.
1862, ss. 32—4.
1864, ss. 1—3.
1893—4, c. 73,
s. 6.

Appeals either against a valuation list or against a rate made in conformity with a valuation list must be made in the first instance by objection before the assessment committee. A person aggrieved by anything relating to valuation (as distinguished from liability to be rated) may appeal from the committee to the justices in special sessions, and from them to the quarter sessions. A person alleging that he is not liable to be rated at all must (and he may on any other ground, except perhaps the amount of his valuation) appeal directly to the quarter sessions. A parish may by its parish council (or, where there is no such body, by the overseers with the consent of the parish meeting or vestry), appeal directly to the quarter sessions against an alleged over-valuation in its own case or under-valuation in the case of any other parish, and the quarter sessions may alter the lists and may order a re-valuation, and may order the union or the appealing parish

to pay the costs. In any case in which appeal lies to the quarter sessions on a matter of law (not of amount), a case for the opinion of the High Court may be obtained. Notice of any appeal to special sessions or to quarter sessions must be given to the parish council or overseers and to the committee, who may appear as respondents.

The process of re-valuing a parish or union as now generally conducted is too expensive to be annually repeated. The correction of valuations is commonly left to supplemental lists, which it is the duty of the overseers to make as often as occasion requires, or the assessment committee directs. And that committee may direct a new valuation to be made, as it sees fit.

A county council may appoint a committee of its body to prepare the basis of the county rate, according to the net annual value of property rateable to the relief of the poor in every parish in the administrative county. The committee has power to call for returns as to the annual value of property in each parish, and to require the overseers and parish officers to appear before it. When the basis has been prepared and circulated, the committee has to hear objections made by the overseers; and the basis, when corrected and approved by the committee, is laid before the county council, which may confirm it, amend it, or refer it back to the committee. When confirmed by the county council the basis takes effect, subject to an appeal to quarter sessions by any parish council (or, in a parish not having a council, by the overseers), or by any collector, or inhabitant, on the ground that some parish is over-rated, under-rated, or omitted. The basis may be revised from time to time by a committee appointed in like manner.

County rate
1852, c. 81.
1866, c. 78.
1888, c. 41,
ss. 3 (i.), 8,
63 (6).
1893—4, s. 6.

The parish council (or overseers) or any inhabitant may also appeal to quarter sessions against a particular rate made on the basis, on the ground that parishes are unequally rated, over-rated, under-rated, or omitted from the rate (a) (b).

The accounts of parish councils and meetings, of district councils except in boroughs), of county councils, and of the committees and officers of all these bodies, also the accounts of boards of guardians, overseers, and school boards, are audited by district auditors appointed by the Local Government Board. District auditors are paid by salary, and a stamp duty proportioned to the total expenditure audited is levied on the local rate (1879, s. 3). A district auditor has full powers of disallowance (except in the case of expenditure expressly sanctioned by the Local Government Board), surcharging, compelling the production of all necessary documents, &c., and any person aggrieved by his

(2) AUDIT OF
LOCAL
ACCOUNTS.
1844, c. 101,
ss. 32—8, 49.
1852, c. 81,
s. 33.
1870, c. 75,
s. 60.
1873, c. 86,
ss. 17, 18.
1875, c. 55,
ss. 245—50.
1879, c. 6.
1887, c. 72.
1888, ss. 71, 81.
1893—4, s. 58.

certificate may appeal to the Local Government Board, or move for a writ of *certiorari*. Parish, urban district, and county accounts are audited yearly, rural district accounts half-yearly.

1875, s. 246.
1882, c. 50,
ss. 25—7, 62.

In boroughs the accounts are audited half-yearly by three auditors. One of these is a councillor appointed by the mayor, and the other two are elected yearly by the burgesses. The elective auditors must be qualified to be, but must not be, councillors. These borough auditors are not ordinarily paid, but are entitled to certain fees for auditing sanitary accounts. They have no express powers of disallowance.

1831, c. 60,
s. 32.

In urban parishes adopting the Select Vestry Act, 1831, auditors are chosen out of the persons qualified to be vestrymen to audit and approve all the parish accounts.

1852, c. 85,
s. 13.

The accounts of parochial burial boards (where such boards are not merged in the parish or district councils) are audited yearly by two auditors appointed by the vestry (in rural parishes by the parish council or meeting).

1832, s. 233.
1888, s. 71.
1893—4, s. 58.

Ratepayers or electors are entitled to inspect the accounts of local authorities, and to take copies of and extracts from them.

(3) LOCAL
TAXATION
RETURNS.
1860, c. 51.
1871, c. 70.
1877, c. 66.
1879, c. 39.
1882, c. 50,
s. 28.
1888, c. 41,
s. 71.

Annual returns of all compulsory rates, taxes, tolls, or dues (other than such as are levied for the public revenue of the United Kingdom), and of the expenditure thereof, are to be made by the clerk, treasurer, &c. of every local authority (including the town clerk of a borough) to the Local Government Board, and an abstract of them is to be laid before Parliament. The returns are to be made up to the end of the financial year (now generally the 31st March), and are to be sent in within one month of that date, or of the completion of the audit. The returns of school boards and some minor authorities are, however, made up to Michaelmas and other different dates.

NOTES.

County, &c.,
valuations.

Note (a). Besides the valuation for the poor-rate and county rate, there are (outside London) separate and independent valuations for some other (*e.g.*, sewers, rates, and for property tax, the latter being assessed by the assessors, surveyors) and commissioners under the Income-tax Acts (see Ch. XIX. p. 99).

Valuation in
London.
1869, c. 67.

A comparison of the more complete system of valuation now in force in London is appended:—

The Valuation (Metropolis) Act, 1869, differs from the Union Assessment Committee Act of 1862 in the following principal respects:—

1. The overseers are to send a copy of their lists to the surveyor of taxes, who sends his corrections to the assessment committee (s. 8), and his figures are to be inserted unless proved wrong (s. 53), and he may appeal (ss. 18, 32).
2. The overseers are to give notice to occupiers of alterations in their valuations (s. 9).
3. A valuation lasts for five years, but provision is made for an annual revision and for the insertion of new buildings (ss. 43-7).
4. The approved list is made conclusive as regards valuation for nearly all rates and taxes, and for juror and other qualifications under various Acts of Parliament (s. 45).
5. A maximum scale of deductions from gross rental is laid down (s. 52).
6. Owners and occupiers may be required to make returns of values, charges, &c., under a penalty, in the same way as for income-tax (ss. 55-58).

The practical effect of this improved system of valuation is shown by comparing the income-tax and poor-rate (gross rental) valuations in recent years inside and outside London. These were in 1890-91 identical in the metropolitan unions, while elsewhere the poor-rate fell short of the income-tax valuation by 5·7 per cent. on the average.

Note (b). For figures showing the growth of rateable value see Tables A. and B., pp. 117-20.

CHAPTER XXI.

LOCAL LOANS.

1882, c. 50,
s. 106.
1875, c. 55,
s. 235.

MOST of the loans of local authorities are raised on the security of the rates levied by them. But under the Municipal Corporations Act, and for sewage farms under the Public Health Act, money may be borrowed on the security of land and other property belonging to the authority. The tendency of recent legislation, however, has been to withdraw (as in the case of loans under Part I. of the Housing of the Working Classes Act, 1890, replacing 1875, c. 36), rather than extend the power of local authorities to mortgage their land ; and county and parish councils can pledge only their rates and other "revenues." Loans raised under local Acts for gas, water, market, harbour, and the like undertakings by an urban sanitary authority are now usually charged on all the revenues as well as on the rates of the authority. And the Public Works Loans Act, 1882, gives a general power enabling the Board of Trade, with the sanction of the Local Government Board, to authorize an urban sanitary authority to charge the rates as guarantee for a loan raised by a public body for harbour purposes in the same place.

1882, c. 62, s. 7.

*Modes of
borrowing.*

Local authorities cannot borrow on the security of the rates without the sanction of Parliament, which may be given either directly, by a local Act, or indirectly, under the provisions of a general Act, but the borrowing power is then usually exerciseable only with the sanction of a public Department.

Borrowing powers conferred on local authorities may be exercised in various ways. Formerly local loans were for the most part secured by mortgage deeds, and some are still so raised. The Local Loans Act, 1875, was passed to enable local authorities to raise their loans by other means. In comparatively recent years it became common for local authorities to obtain power by special Acts to raise money by the issue of stock charged on all the rates leviable by and all the funds and revenues belonging to the borrowing authority. This last form of security has been considered the most convenient because it obviates the necessity of re-borrowing (the lender being unable to require the repayment of the principal except on the terms declared at the issue of the stock), and is readily subdivided and transferred. It moreover

becomes quoted on the Stock Exchange and thus attracts the attention of the public. The popularity of this form of security led to its recognition in the Local Government Act, 1888, and in the adoptive Public Health Acts Amendment Act, 1890, by virtue of which county councils and urban district councils have now a general power to raise their loans by the creation of stock. This method, however, is hardly adapted for loans of comparatively small amount. Local authorities may also borrow in certain cases from the Government itself through the Public Works Loan Commissioners. These several modes of borrowing are treated of shortly below.

The method of borrowing under a local Act without Government control is especially in favour with large corporations. Borrowing powers to the amount of £63,000,000 in specific sums (in addition to many cases where a general power has been given to borrow unascertained amounts) have been conferred by Parliament on town councils and other sanitary authorities alone during the twenty-one years 1872—92. Many of these Acts have allowed a long period for repayment, but 60 years is now the maximum period under the Standing Orders of the House of Commons.

Borrowing with the sanction of a Government Department is the mode prescribed by the Municipal Corporations, Elementary Education, Public Health (as regards rates), Local Government, Housing of the Working Classes, Burial, and other general Acts. This sanction is also now frequently required in the case of loans under local Acts, and is necessary, under the Standing Orders of both Houses of Parliament, in the case of every such Act which confers borrowing powers on a local authority, unless estimates showing the proposed application of the money are recited in the preamble. The sanctioning Department varies with the class of authority and the object of the loan, but in most cases is the Local Government Board. Very large sums are yearly raised with this sanction, *e.g.* by sanitary authorities alone with the sanction of the Local Government Board upwards of £54,000,000 in the twenty-one years 1872—92. The Public Health Act, 1875, contains provisions for the raising of money by mortgages, and these provisions are applied to loans under various subsequent Acts.

The Local Loans Act, 1875, does not itself confer any borrowing powers. It merely suggests certain advantageous modes in which borrowing powers given by other Acts of Parliament may be exercised, and authorizes the use of those modes. A local authority, having Parliamentary borrowing powers, may, if it pleases, exercise them in one of the modes provided by this Act (*i.e.* by the issue of annuity certificates or debentures, or, if specially authorized, debenture stock),

Special Acts.

Government sanction.

1852, c. 85.
1873, c. 86.
1875, c. 55.
1882, c. 50.
1888, c. 41.
1890, c. 70.
1893—4, c. 73.

Local Loans Act.

1875, c. 83.
1885, c. 30.

notwithstanding that a different mode may have been prescribed by a prior Act which gave the powers.

The principal advantages of adopting the Act are :—

- (i.) That inconvenient forms of mortgage deeds, &c. prescribed by old special Acts may be avoided ;
- (ii.) That if the local authority obtains the official sanction of the Local Government Board after investigation of its financial position (s. 26), its securities cannot be impeached for informality or want of power to issue them. These latter provisions have not, however, been taken much advantage of, little more than £700,000 in all having been raised with official sanction during the period from 1876 to 1892.

Loans raised under the Local Loans Act are discharged as follows :—
In the case of annuity certificates by their being made terminable at a given period ; and in the other cases either by the annual appropriation of a fixed sum to the discharge of a portion of the loan, or by a sinking fund which accumulates at compound interest.

Local Stock.
1888, ss. 69, 70.
1890, c. 59,
ss. 2, 52.

The councils of counties, boroughs, and other urban districts, in any case where they have power to borrow money, may now do so, with the consent of the Local Government Board, by the creation of stock, which is issued and dealt with according to regulations prescribed by that Board and confirmed by Order in Council after being laid before Parliament. These regulations embody substantially the provisions which the recent practice of Parliament had required to be inserted in special Acts authorizing the issue of stock by individual municipalities. They provide for the determination by the Local Government Board in each case of the period after which the stock may be redeemed at par at the option of the borrowing authority, the period within which the stock must all be extinguished, and the method by which the amounts to be carried to the redemption fund are to be determined. This general power to create stock is given, as regards county councils, by the Local Government Act, 1888, and, as regards boroughs and urban districts, by Part V. of the Public Health Acts Amendment Act, 1890 ; but in the latter case that Part of the Act must first be " adopted " by resolution of the council.

*Public Works
Loan Commis-
sioners.*
1875, c. 89.
1878, c. 18.
1879, c. 77.
1881, c. 38.
1882, c. 62.
1890, c. 50.
1892, c. 61.
1894, c. 11, s. 3.

The Public Works Loan Commissioners are empowered at their discretion to advance money to local authorities for any of the following purposes mentioned in the schedule to the Public Works Loans Act, 1875 :—

Baths and wash-houses provided by local authorities.

Burial grounds provided by burial boards.

Conservation or improvement of rivers or main drainage.

Docks, harbours and piers, or "any other shipping purpose."

Improvement of towns.

Labourers' dwellings.

Lighthouses, floating and other lights for the guidance of ships, buoys and beacons.

Lunatic asylums of any county or borough.

1890, c. 5,
s. 274.

Police stations and justices' rooms of any county or borough.

Public libraries and museums.

1892, c. 53,
s. 19.

Any school-house or work for which a school board is authorized to borrow under the Elementary Education Acts.

1876, c. 79,
ss. 15, 42.

Waterworks established or carried on by a sanitary or other local authority.

Workhouses and any work for which guardians of the poor are authorized to borrow under the general Acts relating to the relief of the poor.

Any work for which a sanitary authority are authorized to borrow under the Public Health Act, 1875.

1875, c. 55,
ss. 242—4.
1876, c. 31, s. 6.

The Commissioners may also lend for borough buildings authorized by the Municipal Corporations Act, for the purposes of several subsequent Acts which apply the loan clauses of the Public Health Act, viz. the Allotments Act, 1887, the Open Spaces Acts, and the Housing of the Working Classes Act, 1890, and for the purposes of the Small Holdings Act, 1892, and of the Diseases of Animals Act, 1894.

1882, c. 50,
s. 120.

In exercising their discretion as to granting a loan the Commissioners "shall have regard to the sufficiency of the security for its repayment, and, subject to the provisions of any special Act, shall determine whether the work for which the loan is asked would be such a benefit to the public as to justify a loan out of public money, having regard to the amount of money placed at their disposal by Parliament."

1875, c. 89, s. 9.

Interest is to be paid at not less than 4 per cent., or, where a lower rate is authorized by the special Act, at a rate to be fixed by the Treasury so as to prevent loss to the Exchequer (1879, s. 2). The principal is to be repaid by instalments, within not more than twenty years, unless where a special Act prescribes some other limit.

1892, c. 61, s. 2.

Besides many local Acts the following general Acts grant specially favourable terms for loans by the Public Works Loan Commissioners. Under the Public Health Act, 1875, the rate of interest may be 3½ per cent., or such other rate as will prevent loss to the Exchequer, if the loans are recommended by the Local Government Board. Under the Elementary Education Acts the recommendation of the Education Department is necessary, and the rate of interest is to be 3½ per cent. A similar rate is prescribed for loans under the Harbours and

1873, c. 86,
s. 10.

1861, c. 47. Passing Tolls Act, 1861, except when the aggregate amount is less than £100,000, when the rate is to be only $3\frac{1}{4}$ per cent. Each of the above Acts also authorizes an extension of the period for repayment to fifty years. In the case of loans for workhouses or poor law works repayable within a period not exceeding fifteen years the minimum rate of interest is $3\frac{1}{2}$ per cent. In more recent Statutes the rate has sometimes been still further reduced. Thus in the Housing of the Working Classes Act, 1890, and the Small Holdings Act, 1892, it is brought down to $3\frac{1}{4}$ per cent. Under the Act of 1879, however, the Treasury have full power to raise all special statutory rates to an amount sufficient to prevent loss to the Exchequer, and to vary the amount according to the length of term for repayment.

1886, c. 45,
s. 10.

1890, c. 70,
s. 83.
1892, c. 31,
s. 19.
1879, s. 2.

1875, ss. 12—
16.

The security for the loan (except where a special Act otherwise prescribes) must include—

- a. mortgage of property or of a rate, or of both, and also,
- b. unless specially dispensed with, personal security in addition to the mortgage.

1879, s. 3.

In the case of loans granted after the passing of the Act of 1879 not more than £100,000 can be advanced to any one borrower in any one year. Where a loan is granted on the security of a rate, the Local Government Board is to see that it is duly applied, and may order any sum misapplied to be replaced out of a local rate.

1875, s. 36.
1878, s. 4.

*Local Loans
Fund.*

1887, c. 16.

Formerly, advances were made directly out of money specially provided by Act of Parliament for public works loans in each year, and the sums from time to time received in repayment of such loans were paid into the Exchequer. In 1887 a Local Loans Fund was established under the management of the National Debt Commissioners with the view of keeping the sums advanced by the Public Works Loan Commissioners to local bodies distinct from the National Debt; and Local Loans Stock was issued in exchange for other securities to represent the outstanding amount of local loans, which was then estimated to be £37,200,000 (including over 8 millions advanced by the Irish Board of Works). All payments on account of the principal or interest of local loans are carried to the capital or income account of the local loans fund. The income of that fund is applied in paying the interest on the local loans stock; the capital is treated as a sinking fund for the redemption of the stock, but until so applied is available for new advances on account of local loans to the extent from time to time authorized by Parliament. Whenever the capital of the fund does not suffice to meet the amount which for the time being is authorized to be advanced, the deficiency is to be met by the issue of fresh local loans stock, or by a temporary loan raised by the National Debt Commissioners on terms approved by the Treasury.

It was estimated in 1887 that about 12 millions had been lost to the Exchequer through the non-repayment of local loans; and provision was made for replacing $5\frac{1}{2}$ millions out of this amount, and also any sums which might afterwards be similarly lost, by annual payments of £130,000 out of the local loans fund into a separate "restitution fund." The local loans remitted and written off down to the 31st of March, 1894, amounted to about 2 millions for the United Kingdom.

The accounts appended to the last report of the Public Works Loan Commissioners (¹⁸⁹⁴₁₄₃), show that, down to the 31st of March, 1894, about 46 millions had been advanced in England and Wales since the year 1817, of which 21 millions remained outstanding. The amount lent in the year 1893-4 was about £1,305,000 for England and Wales, as against £947,000 in the previous year, at rates varying (according to the purpose of the loan and the term for repayment) from $3\frac{1}{8}$ to 4 per cent., and averaging slightly over $3\frac{1}{2}$ per cent.

By the Local Government Act, 1888, county councils are enabled to advance money in aid of emigration or colonisation, but only if the repayment of their advances is guaranteed by some local authority in the county or by the Government of a colony. County councils may also lend money to parish councils, and may themselves borrow for this purpose, uncontrolled by the ordinary limit on their borrowing powers.

*Lending by
county councils.*
1888, c. 41,
s. 69.
1893-4, c. 73,
s. 12.

CHAPTER XXII.

AMOUNT OF LOCAL TAXATION AND INDEBTEDNESS.

I.—*General Remarks.*

THE principal sources of revenue of local authorities are the poor rate, the county rate, the borough rate, the general district rate and the school-board rate. As a general rule, rates are levied uniformly on all descriptions of real property (*a*); but the general district rate, and rates for special sanitary expenditure in most places, and for a few minor purposes, are levied with a partial exemption for agricultural and some other kinds of property. In general there is no limit of amount; but rates levied for highway purposes in rural parishes may not exceed 2s. 6d. in the £ per annum, except with the special sanction of four-fifths of the voters, and parish councils (whose expenses are paid out of the poor rate) are limited to 6d. in the £ (*b*).

The overlapping of areas of local administration, the imperfect and varying arrangement of the published local taxation accounts, and the different times taken for making them up, render it difficult, and in some respects impossible, to exhibit an accurate comparison, extending over any considerable number of years, of the amount of local taxation, expenditure, and indebtedness in the several areas concerned. The approach, however, to greater uniformity in the areas, and to greater accuracy and completeness in the returns, enables the present financial position of the various local authorities to be seen pretty clearly; while, on a comparison with past years, one is struck by the broad fact of the vast increase in their debts and liabilities in urban areas, an increase greatly in excess of the growth of rateable value. It must, however, be recollected that a large proportion of the loan debt of urban authorities (who are the heaviest borrowers) has been incurred for gas and water undertakings, which are of a directly and often largely remunerative character. And, in a comparison of receipts and expenditure in successive years, the growth of revenue from these undertakings, supplying as they do private needs as distinct from the public wants of the community as a whole,

should be separately noted, and kept distinct from the revenue derived from the public rates.

The great apparent increase in the expenditure on highways (including main roads) has to be considerably discounted by the fact of the abolition of turnpikes, which has transformed into rates a large amount formerly paid in the shape of tolls.

The item of Treasury contributions in aid of local rates is another element of difficulty in an examination of the growth of local expenditure. In former years it was difficult, if not impossible, to ascertain with accuracy, year by year, the amount of these subventions. The subject is further complicated by the great change of system inaugurated by the Local Government Act of 1888, when direct subventions (except to school boards) were for the most part discontinued, and their place taken by the transfer to local purposes of the revenue from certain license duties, and a portion of the revenue from the probate duty. The "Local Taxation Account," to which this money is paid in the first instance, prior to its distribution locally, is kept at the Bank of England, and is now fed from three sources, namely, the proceeds of the "local taxation licenses," the "probate duty grant," and the "local taxation (customs and excise) duties." The local taxation licenses are those specified in the first schedule to the Local Government Act, 1888, and include (among others) liquor, game, carriage and dog licenses. The probate duty grant consisted of four-fifths of one-half of the sums collected in respect of probate duty; but in future a grant out of the proceeds of the new estate duty will be substituted. The amount realized from these two sources in the year 1891-92 was, for England and Wales, including London :

Local taxation licenses	...	...	...	£3,064,000
Probate duty grant	...	...	...	2,249,000
				£5,313,000

This revenue was, by the scheme of 1888, substituted for the sums which previously had been annually voted by Parliament for certain local purposes, such as main roads, police, lunatics, prosecutions, salaries of various local officials, &c., payments which altogether amounted for the year 1887-88 to about £2,850,000.

The local taxation (customs and excise) duties are levied on spirits and beer, and are locally distributed under Acts passed in 1890 and subsequently; they are partly appropriated for police superannuation, and they amounted in 1891-92 (for the whole of England and Wales) to about £1,116,000.

The sums standing to the credit of the local taxation account at the L.G.

1888, ss. 22-24.
1890, c. 60, s. 1.
1891, s. 2.]

Bank of England are from time to time distributed in the following manner :—Certain sums are paid to county and borough councils in aid of their police pension funds, and to the Commissioners of the Metropolitan Police in aid of the expenses of that force. The remainder is distributed among the several counties and county boroughs, the share of each being carried to a separate account called the "Exchequer Contribution Account," whence, again, it is distributed among the various subordinate authorities, or the particular accounts of the county or borough fund entitled according to the scheme of distribution laid down in the Act. The share of a county or county borough in the residue of the local taxation (customs and excise) duties (after appropriation of the prescribed amount for police superannuation) may, if the council thinks fit, be applied in aid of technical instruction. The amount actually distributed out of the local taxation account during the year 1891-92 was somewhat less than the amounts above stated to have been derived from the three sources above mentioned. Details of the distribution out of the exchequer contribution accounts in 1891-92 are shown in **Table G**.

Certain sums are still distributed also in direct subventions and payments to local authorities, including the large annual grants to school boards, grants for industrial schools, and payments out of Imperial funds for the conveyance and maintenance of prisoners and criminal lunatics, and for some other purposes. These direct subventions and payments amounted in 1891-92 to £2,570,000.

NOTES.

Note (a). As regards the meaning of "rateable value," and "rateable hereditaments," see Ch. XX., pp. 100, 101.

Note (b). Rates levied for certain special objects (*e.g.* public libraries and technical instruction) are also limited in amount. Rural highway expenditure has in the past been met sometimes out of the poor rate and sometimes out of a separate highway rate, levied in the same manner as the poor rate. But the Local Government Act, 1894, under which the rural district council will become the highway authority, has declared the highway expenses to be leviable as part of the general expenditure of the rural council, *i.e.* out of the poor rate. In some urban districts a separate highway rate is levied.

The rates are in some cases levied directly by the rating authority, through its own officers, and sometimes by means of a precept to another authority, whose duty it then becomes to levy the amount required by the precept. The school-board rate, and in general the county and borough rates, are "precept rates," while the general district rate is directly levied by the urban council. Precept rates are generally addressed to the guardians or overseers, and levied with the poor rate.

II.—*Tables of Taxation, &c.*

The tables and notes which follow illustrate some of the most important points with regard to the amount and growth of local taxation and indebtedness. For a detailed comparison between the years 1868 and 1890-91, reference should be made to Mr. Fowler's report to the Treasury in 1893 "on local taxation, with especial reference to the proportion of local burdens borne by urban and rural ratepayers, and different classes of real property in England and Wales."

Table A. includes London, and shows for the whole of England and Wales the rateable value, receipts, expenditure and debts for the years 1867-68, 1882-83, 1886-87 and 1891-92. The general result may be stated in the form of a comparison between the years 1867-68 and 1891-92 as follows (in millions) :—

—	1867-68.	1891-92.	Increase per cent.
Rateable value (1)	100 $\frac{2}{3}$	155 $\frac{9}{10}$	55·2
Receipts of all kinds, including new loans .	30 $\frac{1}{2}$	64	109·8
Ditto, excluding new loans .	25	53 $\frac{3}{4}$	115·0
Expenditure of all kinds (including loan expenditure)	30 $\frac{1}{2}$	64 $\frac{1}{4}$ (2)	110·6
Loans outstanding at end of year	60(3)	208 $\frac{5}{8}$	247·3

NOTES —(1). The increase in rateable value is partly due to re-valuations, and is consequently to some extent only apparent.

(2) Of this expenditure 11 $\frac{1}{4}$ millions was for repayment of and interest on loans.

(3) See note (b), p. 118.

Table B. distinguishes as far as possible between urban and rural expenditure out of rates and loans—

Part I. relates to boroughs and urban sanitary districts, urban purposes only (*London excluded*);

Part II., rural places, rural purposes only (*London excluded*);

Part III., poor rates, school-board rates, &c., which are common to both urban and rural places (*London generally included*).

Part I. shows at a glance the enormous increase (from 16 $\frac{1}{2}$ to 111 millions) in urban debts during the years from 1868 to 1892. It will

also be observed that at the end of 1891-92 the borough and urban sanitary debts were about equal to a year and three-quarters' rateable value of the boroughs and other urban districts. The annual charge of those debts, however, shows a falling off as compared with the revenue from rates between 1882-83 and 1891-92.

Part II. shows that the rural debts, though far smaller in proportion than the urban, increased largely between 1868 and 1883; but in the last decade there has been a slight reduction. Rural sanitary debts, however, which did not begin to be incurred until about 1873, had risen to £1,353,000 in 1882-83, and further increased to £1,802,000 nine years later.

From Part III. it appears that there has been a further rise of some 27½ millions in undistinguishable urban and rural debts. But of this increase 20 millions are due to the operation of school boards, and not more than 5½ millions have been borrowed for unremunerative poor law purposes. Of the 27½ millions increase, probably about 10 millions have been incurred in London.

Table C. shows the new loans raised by urban authorities (*London excluded*) since 1881; also the total loans outstanding and the yearly charge for the loan debt. The urban debts at the commencement of 1892 amounted to 111 millions (including the special loan of 2½ millions raised in 1891 for the Manchester Ship Canal), and the annual charge for them (including instalments and sinking fund) to 6½ millions, which is equal to 1s. 11d. in the £ on the whole rateable value.

Table D. shows in some detail, as regards urban districts, the various sources of receipt and items of expenditure at three intervals of time, 1882-83, 1886-87 and 1891-92 (*London excluded*).

Table E. is an analysis of local expenditure in 1882-83 and 1891-92 (*excluding London*), according to the several purposes for which it was incurred, and the Notes show how the total expenditure of £64,242,000 in the latter year, as stated in Table A., is arrived at.

Table F. gives the amount of Treasury contributions in 1886-87 and 1891-92, and **Table G.** shows the distribution in the latter year of the funds standing to the credit of the exchequer contribution accounts.

TABLE A.

COMPARATIVE STATEMENT FOR ENGLAND AND WALES (INCLUDING LONDON) IN EACH OF THE YEARS 1867-68, 1882-83, 1886-87, AND 1891-92, SHOWING:—(i.) RATEABLE VALUE; (ii.) RECEIPTS OF LOCAL AUTHORITIES (SHOWING THE MAIN SOURCES OF INCOME); (iii.) EXPENDITURE OF LOCAL AUTHORITIES (SHOWING THE AMOUNT APPLIED FOR INTEREST AND REPAYMENT OF LOANS); (iv.) LOCAL LOANS OUTSTANDING.

Year.	Rateable Value assessed to Poor Rate.	RECEIPTS.		EXPENDITURE.		
		Sources of Receipt.	Total.	Total.	Amount for Re-payment of Loans and Interest included in preceding Column.	Loans Outstanding.
	£	£	£	£	£	£
1867-68 (a)	100,669,000	Receipts from rates, private improvements, and water and gas works . . 16,430,000 Tolls, dues, fees, rents, &c. 5,704,000 Government Contributions 937,000 Loans 5,517,000 Other Sources 1,833,000	30,441,000	30,454,000	Can not be given.	60,000,000 (b)
1882-83 (a)	141,408,000	Rates and Private Improvement Charges 24,871,000 (c) Water and Gas Works 5,150,000 Tolls, Dues, Fees, Rents, &c. 6,176,000 Government Contributions 3,324,000 Loans 10,649,000 Other Sources 3,616,000	53,786,000	53,421,000 (d)	10,456,000	159,143,000 (c)
1886-87 (a)	148,908,000	Rates and Private Improvement Charges 27,412,000 Water and Gas Works 5,527,000 Tolls, Dues, Fees, Rents, &c. 6,685,000 Government Contributions 3,976,000 Loans 9,271,000 Other Sources 1,731,000	54,602,000	53,765,000	10,716,000	186,822,000
1891-92 (a)	155,896,000	Rates and Private Improvement Charges 29,518,000 (c) Water and Gas Works 6,980,000 Tolls, Dues, Fees, Rents, &c. 6,626,000 Government Contributions 8,915,000 (f) Loans 10,280,000 (g) Other Sources 1,688,000	64,007,000	64,242,000 (d)	11,512,000	208,460,000 (h)

OBSERVATIONS.

(a).—The figures for 1867-68 and 1882-83 are taken from the Statistical Abstract for the United Kingdom, and differ, slightly, as regards the former year, from Mr. Fowler's report. Those for the subsequent years are taken from the Local Taxation Returns, with this exception, that, the Returns for 1891-92 being, as regards school boards, compiled from the accounts for the year ending September, 1891, the school board accounts for 1891-92 have for the purpose of this table been substituted for those of the previous year. Information can also be obtained from Mr. Goschen's report on local taxation (1870), supplemented by Mr. Fowler's report made in 1893 (1893), and from the Annual Reports of the Local Government Board, the Education Department, &c.

Private improvement rates being in the nature of a direct tax are included with general rates. They amounted in 1882-83 to £400,000, in 1886-87 to £773,000, and 1891-92 to £880,000.

An alteration in the form of the published accounts makes it convenient to take 1882-83 rather than 1881-82 for purposes of comparison.

(b).—The amount of loans outstanding in 1868 is unascertainable. Mr. Fowler in his report (p. viii.) specifies certain loans then outstanding to the amount of £43,813,000, but states that the list is incomplete, and he estimates (p. li.) the total amount at about £60,000,000.

(c).—In 1882-83 the average rate in the £ of all rates (including private improvement rates) for the whole of England and Wales, calculated on the poor-rate valuation, was about 3s. 6d. In 1891-92 it was nearly 3s. 9½d. Deducting private improvement rates, the amounts would be, respectively, 3s. 5½d. and 3s. 8d.

(d).—For an analysis of this expenditure, see Table E., pp. 124-6.

(e).—Urban sanitary debts had reached 73 millions, 60 being for borough authorities. Poor-law loans outstanding were over 5½ millions; debts of municipal boroughs (otherwise than as above), nearly 7 millions; Metropolitan Board of Works, 17½ millions, and school boards, over 12½ millions.

(f).—This amount includes the receipts out of the local taxation accounts, and also the direct contributions made by the Treasury for board schools and other purposes. For explanation of these payments, see pp. 113-114, 127.

(g).—Including a loan of £2,225,000 raised by the Manchester Corporation for the Ship Canal.

(h).—Urban sanitary authorities' loans outstanding amounted to 101½ millions; municipal corporation loans (exclusive of the above, but inclusive of a loan of 2½ millions raised by the Manchester Corporation for the Ship Canal), 9½ millions; poor-law loans, 7 millions; county authorities (exclusive of London), 2½ millions; rural sanitary authorities, 1½ million; rural boards, 2 millions; school boards (year ending September, 1892), 20 millions; harbour, pier and dock authorities, 31 millions (only a trifling fraction of the expenditure of these latter is defrayed out of rates).

TABLE B.

COMPARATIVE STATEMENT OF THE GROWTH OF PUBLIC RATES AND DEBT IN EACH OF THE YEARS 1867-68, 1882-83, and 1891-92
(EXCLUDING LONDON FROM PARTS I. AND II.), DISTINGUISHING URBAN AND RURAL PURPOSES.
PART I.—URBAN AUTHORITIES FOR URBAN AREAS AND PURPOSES, VIZ. MUNICIPAL BOROUGHS (INCLUDING COUNTY BOROUGH) AND
OTHER URBAN SANITARY AREAS.

Years.	RATEABLE VALUE.	Receipts from Public Rates, &c.	Loans raised in the Year.	Loans repaid and Interest during the Year.	Loans outstanding at the end of the Year.	Observations.
1867-68	£ { Municipal Boroughs } { Other Urban Districts }	£ 3,008,000 (<i>l</i>)	£ 1,685,000	£ Not stated	£ 16,580,000 (<i>a</i>)	(<i>a</i>) Estimated for the year 1868-69. (<i>b</i>) Receipts from waterworks and gasworks are here included, as well as public rates proper. Those receipts amounted in 1891-92 to £6,931,000. (<i>c</i>) According to the valuation for the borough rate. The valuation for the sanitary rate is rather lower. (<i>d</i>) Valuation for general district rate. (<i>e</i>) Inclusive of a loan of £2,225,000 for the Manchester Ship Canal. (<i>f</i>) About one-half of this amount was raised for gas and water undertakings. The loan raised by the Manchester Corporation for the Ship Canal is also here included (2½ millions).
1882-83	{ Municipal Boroughs : 35,490,000 (<i>c</i>) } { Other Urban Districts : 21,278,000 (<i>d</i>) }	12,043,000 (<i>b</i>)	5,058,000	5,392,000	79,996,000	
1891-92*	{ Municipal Boroughs : 44,917,000 (<i>c</i>) } { Other Urban Districts : 20,145,900 (<i>d</i>) }	16,017,000 (<i>b</i>)	7,247,000 (<i>e</i>)	6,206,000	111,356,000 (<i>f</i>)	

* Increase per cent. from 1882-83 to 1891-92 :—
Rateable value..... 14·5 per cent.
Receipts from rates 33·0 per cent.
Amount of loans outstanding 39·2 per cent.

PART II.—RURAL AUTHORITIES FOR RURAL AREAS AND PURPOSES (INCLUDING COUNTY AUTHORITIES, AND RURAL HIGHWAY AND SANITARY AUTHORITIES.)

Years.	Rateable Value of Rural Sanitary Districts.	Receipts from Rates.	Loans outstanding at end of the Year.	OBSERVATIONS.
1867—68	£ Not stated.	£ 2,879,000 (a)	£ 2,694,000	(a) County Rate expenditure is here treated as "Rural." It must, however, be remembered that County Rates are partly levied and expended in or for urban areas. But County contributions to urban main roads in 1882-83 are not included. Rural Sanitary Rates amounted to £265,000 in 1882-83, and to £432,000 in 1891-92. (b) Rural Sanitary Debts increased from about £100,000 in 1873-74 to £1,353,000 in 1892-83, and to £1,802,000 in 1891-92.
1882—83	55,373,000	3,291,000 (a)	4,634,000 (b)	
1891—92	53,612,000	3,544,000 (a)	4,326,000 (b)	

PART III.—MIXED OR UNDISTINGUISHABLE PURPOSES (POOR LAW; SCHOOL BOARDS; BURIAL BOARDS; DRAINAGE, SEWERS, AND EMBANKMENT COMMISSIONS, &c.).

N.B.—*London and Urban and Rural places are all included in this Part, except in so far as regards matters which are entirely peculiar to London. The outstanding Loans of Harbour, Pier, and Dock Authorities, amounting in 1891-92 to £31,161,000, are omitted, as the income of those Authorities is almost wholly derived from sources other than Public Rates.*

Years.	Receipts from Rates.	Loans outstanding at end of Year.	OBSERVATIONS.
1867—68	£ 8,225,000	£ 4,100,000	(a) The increase in the debt outstanding is mainly on account of School Boards. The School Board Debts in 1873-74 amounted to less than £2,500,000; in 1882-83 they had increased to £12,818,000, and in 1891-92 to £20,034,000. Of the last amount more than 7½ millions were incurred in London. The debt of Poor Law Authorities also increased from £1,786,000 in 1867-68, to £7,012,000 in 1891-92.
1882—83	10,751,000	22,796,000	
1891—92	11,107,000	31,770,000 (a)	

TABLE C.
LOAN TRANSACTIONS OF URBAN AUTHORITIES (EXCLUDING LONDON) SINCE 1880.

Note.—These loans are raised partly under general Acts, which require the sanction of the Local Government Board in each particular case, and partly under special powers conferred by local Acts.

Years.	New Loans raised		Total Loans outstanding.		Yearly Charge for Loans (Interest, Repayment of Principal, and Sinking Funds.)	
	i. by Urban Sanitary Authorities (including joint Boards).	ii. by Municipal Corporations otherwise than as Sanitary Authorities.	i. Urban Sanitary Authorities (including joint Boards).	ii. Municipal Corporations otherwise than as Sanitary Authorities.	i. Urban Sanitary Authorities (including joint Boards).	ii. Municipal Corporations otherwise than as Sanitary Authorities.
1880—81	£ 7,357,000	£ 638,000	£ 66,032,000	£ 6,495,000	£ 6,070,000	£ 901,000
1881—82	7,949,000	790,000	69,159,000	6,836,000	8,003,000	801,000
1882—83	4,602,000	456,000	73,059,000	6,937,000	4,818,000	573,000
1883—84	3,417,000	393,000	78,193,000	5,224,000 (c)	4,644,000	385,000
1884—85	4,920,000	413,000	81,529,000	5,849,000	4,865,000	346,000
1885—86	5,886,000	377,000	86,187,000	6,277,000	5,000,000	387,000
1886—87	3,664,000	455,000	83,227,000	6,721,000	5,092,000	378,000
1887—88	5,475,000 (a)	259,000	92,203,000	6,899,000	5,214,000	389,000
1888—89	3,716,000	339,000	94,268,000	7,171,000	5,474,000	405,000
1889—90	3,427,000	178,000	96,232,000	6,996,000	5,430,000	405,000
1890—91	3,440,000	364,000	98,150,000	7,278,000	5,582,000	418,000
1891—92	4,618,000	464,000 (b)	101,559,000	7,572,000 (b)	5,752,000	454,000
Total Loans raised in 12 years . . .	£58,471,000	£5,066,000				
Grand Total, Urban and Municipal Loans . . .	£63,537,000					

(a) £2,000,000 of this amount was raised by the Town Council of Sheffield for acquiring a water undertaking.

(b) Exclusive of a loan of £2,225,000 for the Manchester Ship Canal.

(c) The diminution in this year is due to the transfer of certain loans to the preceding column.

TABLE D.

COMPARATIVE STATEMENT OF THE RECEIPTS AND EXPENDITURE OF URBAN
SANITARY AUTHORITIES IN EACH OF THE YEARS 1882-83, 1886-87, AND
1891-92 (LONDON EXCLUDED).

Note.—The local taxation returns distinguish between “municipal borough accounts” and “borough urban sanitary accounts.” This table excludes the former and includes the latter. It includes also the accounts of urban sanitary authorities which are not boroughs.

The excluded “municipal borough accounts” concern a number of matters (amongst which are police, lunatic asylums, payments to guardians, school boards and other local authorities, public libraries, establishment charges, &c.), in regard to which a borough *as such* (and not as an urban sanitary district) is a separate area of local government. The aggregate total of these “municipal” accounts for 1891-92 was: Receipts, other than from loans, £4,599,000; expenditure, not defrayed out of loans, £4,919,000, of which payments to guardians, school boards and other local authorities took £1,906,000; loans raised during the year (exclusive of a large loan raised by the Manchester Corporation for the Ship Canal), £404,000.

1.—RECEIPTS.

Sources of Receipt.	1882—83.	1886—87.	1891—92.
	£	£	£
Public Rates (general and special) . .	5,591,000	6,456,000	7,657,000
Waterworks and Gasworks	5,048,000	5,407,000	6,836,000
Private Improvement Works	400,000	604,000	713,000
Market Rents, Tolls, &c.	429,000	389,000	435,000
Receipts from Treasury, or from County Councils or other Local Authorities	198,000 ⁽¹⁾	546,000 ⁽²⁾	439,000 ⁽³⁾
Loans raised during the Year	4,454,000	3,630,000	4,539,000
All other Sources of Income	1,275,000	1,179,000	1,278,000
	17,395,000	18,211,000	21,897,000
Receipts of Joint Boards:—			
From Loans	148,000	34,000	80,000
Otherwise	120,000	183,000	229,000
Total	17,663,000	18,428,000	22,206,000

⁽¹⁾ Parliamentary grant for salaries of medical officers of health and inspectors of nuisances, and grant from county authorities for main roads.

⁽²⁾ Including not only grants from Parliament and from county authorities, but also certain payments from other local authorities and transfers from borough funds.

⁽³⁾ A sum of £465,000 paid (under 1888, c. 41, s. 11 (2) and (4)) by county councils to urban sanitary authorities (other than the councils of county boroughs) for main roads, is not included, as main roads became in 1888 a county charge, and ceased to be chargeable to urban sanitary authorities, although those authorities still in many cases perform the work of maintenance, receiving back from the county (approximately) the amount of their expenditure.

2.—EXPENDITURE.

Branches of Expenditure.	1882—83.	1886—87.	1891—92.
	£	£	£
Public Works :—			
Sewerage	993,000	1,455,000	1,526,000
Waterworks	1,851,000	1,823,000	2,198,000
Gasworks	2,938,000	2,772,000	3,932,000
Repairs of Highways, Street Im-			
provements, Public Lighting,			
&c. ⁽¹⁾	3,446,000	3,793,000	3,985,000
Other Public Works	1,715,000	2,049,000	2,822,000
Private Improvement Works	727,000	552,000	700,000
Repayment of Loans (Principal, In-			
terest, and Sinking Funds) . . }	4,777,000	5,041,000	5,674,000
Salaries and Establishment Charges ⁽²⁾	599,000	680,000	773,000
All other Charges	520,000	138,000	170,000
	17,566,000 ⁽³⁾	18,303,000	21,780,000 ⁽⁴⁾
Expenditure of Joint Boards	445,000 ⁽⁵⁾	139,000	231,000
Total	18,011,000	18,442,000	22,011,000

(¹) The figures for the first two years include the cost of main roads, which were then repairable by the urban authorities (the counties contributing half the cost, except in quarter sessions boroughs). In 1891-92 the cost of main roads (except in county boroughs) is *excluded*, because the repair of main roads has, since the Local Government Act, 1888, become the duty of the county councils. The actual work is still in many cases, by arrangement, done by the urban authority, but their expenses (to the extent agreed on or settled by arbitration) are refunded to them by the county council. As a matter of fact, the expenditure on the main roads appears to be somewhat greater than the amount so refunded; but the difference is not sufficient to affect materially the accuracy of the Table. The expenditure for street cleaning and watering is included under this head.

(²) All salaries are not included under this head, as those of officers employed on some particular work are sometimes included in the expenditure on that work.

(³) Of the expenditure for 1882-83, about £13,470,000 was incurred in boroughs. The charge for debt was £3,861,000 in boroughs, and £916,000 in the other urban districts.

(⁴) Of the expenditure for 1891-92, £13,500,000 was incurred in county boroughs, £3,695,000 in other boroughs, and £4,585,000 in urban districts other than boroughs. The charge for debt amounted to £4,577,000 in the boroughs, and £1,107,000 in the other urban districts.

(⁵) Loan expenditure, £315,000.

TABLE E.

ANALYSIS OF EXPENDITURE FOR LOCAL GOVERNMENT PURPOSES IN THE
YEARS 1882-83 AND 1891-92, EXCLUSIVE OF LONDON.

	1882-83	1891-92
1. Poor-Law Expenditure : (1).		
a. In relief of the poor—	£	£
In-maintenance	1,283,000	1,287,000
Out-relief	2,391,000	2,193,000
Lunatics	858,000	1,043,000
Salaries, &c.	839,000	968,000
Workhouse loans repaid and interest	225,000	304,000
Other expenses connected with relief	585,000	580,000
	£ 6,181,000	6,375,000
b. Not for poor relief (exclusive of valuation, registration, and vaccination expenses)	528,000	640,000
Add expenditure by County and Borough Authorities for Lunatics and Lunatic Asylums	559,000	433,000
Total	£ 7,268,000	7,448,000
2. By County and Borough Authorities for Police, Reformatories, Prosecutions, &c. :		
Police, counties	1,080,000	1,407,000
,, boroughs	836,000	1,217,000
Reformatories and Industrial Schools	43,000	56,000
Prosecutions and maintenance of prisoners, counties	123,000	91,000
Ditto ditto boroughs	76,000	100,000
Total	£ 2,158,000	2,871,000
3. By Highway and County Authorities for Rural and Main Roads :		
Parish highways	734,000 ⁽²⁾	598,000
District highways	1,211,000 ⁽²⁾	909,000
Turnpike roads (total expenditure)	142,000	—
Main roads	—	1,551,000 ⁽³⁾
Total	£ 2,087,000	3,058,000

TABLE E.—*continued.*

	1882-83	1891-92
	£	£
4. <i>Sanitary Expenses and Public Works :</i>		
<i>a. By Borough Authorities—</i>		
Public works and purposes	899,000	1,001,000 ⁽⁴⁾
<i>b. By Urban Sanitary Authorities (including Town Councils acting as Urban Sanitary Authorities, and including Joint Boards)—</i>		
Sewerage	1,319,000	1,644,000
Gas	2,938,000	3,932,000
Water	1,874,000	2,224,000
Highways and Streets	3,043,000	3,246,000 ⁽⁵⁾
All other Public Works	2,128,000	3,580,000
Private Improvement Works	727,000	700,000
Repayment of Loans, Interest and Sinking Fund	4,818,000	5,742,000
All other purposes (including salaries)	1,166,000	943,000
<i>c. By Rural Sanitary Authorities—</i>		
Total Expenditure (including charge for loans)	517,000	687,000
<i>d. By Port Sanitary Authorities</i>	6,000	11,000
<i>e. By Lighting and Watching Inspectors</i>	24,000	24,000
<i>f. By Burial Boards</i>	505,000	451,000
<i>g. By Drainage, Sewers, and Embankment Commissioners and Boards</i>	495,000	460,000
<i>h. By Harbour, Pier, and Dock Authorities</i>	4,027,000	2,977,000
Total £	24,486,000	27,622,000
5. <i>School Boards.</i>		
Capital Charges—building, furnishing, &c.	655,000	836,000
Maintenance of Elementary Schools	1,580,000	2,793,000
Other Expenses (including charge for loans)	731,000	1,192,000
Total £	2,966,000 ⁽⁶⁾	4,821,000 ⁽⁷⁾
6. <i>Miscellaneous :</i>		
County Salaries	313,000	474,000 ⁽⁸⁾
Borough „	265,000	422,000
County Loan Charges	375,000	273,000
Borough „	573,000	449,000
All other Expenses, counties	430,000	475,000
Ditto boroughs	564,000	243,000
Valuation Expenses (Poor Rate)	70,000	74,000
Vaccination Fees	79,000	71,000
Registration of Births and Deaths	81,000	88,000
Ditto of Voters and Jurors	83,000	166,000
Fishery Boards and Committees	(⁹)	17,000
Other Authorities and Purposes	23,000 ⁽¹⁰⁾	10,000
Total £	2,876,000	2,762,000

TABLE E.—*continued.*

	1882-83 £	1891-92 £
<i>Summary of Expenditure :</i>		
Poor Relief, Lunatics, &c.	7,268,000	7,448,000
Police, Prosecutions, &c.	2,158,000	2,871,000
Rural and Main Roads	2,087,000	3,058,000
Sanitary and Public Works	24,486,000	27,622,000
School Boards	2,966,000	4,821,000
Miscellaneous	2,876,000	2,762,000
Total £	41,841,000	48,582,000*

NOTES.

* THE TOTAL EXPENDITURE SHOWN IN TABLE A., FOR THE YEAR 1891-92, IS £64,242,000, A DIFFERENCE OF £15,660,000. THIS DIFFERENCE IS ACCOUNTED FOR AS FOLLOWS:—

	£
Expenditure from Poor Law loans (outside London)	198,000
Manchester Ship Canal loan	2,115,000
London Poor Relief	2,474,000
„ other Poor Law expenditure, including loans	341,000
„ Police	1,851,000
„ Local Management, &c.	2,893,000
„ County Council	2,051,000
„ Burial Boards	93,000
„ School Board	2,214,000
„ Lunatic Asylums	45,000
City of London, Corporation and Commissioners of Sewers	1,285,000
	<u>£15,660,000</u>

(1) Exclusive of expenditure out of poor law loans during the year, which amounted in 1882-83 to £213,000, and in 1891-92 to £198,000.

(2) Including the expenditure for rural main roads, about half of which was contributed by the counties. After 1888 main roads became repairable by the county councils.

(3) This is the total amount expended by county councils on main roads in urban as well as rural districts. The charge for main roads in county boroughs is included in the borough urban sanitary expenditure (highways and streets).

(4) Including £208,000 for public libraries, museums, and schools of science and art ; £109,000 for technical education ; £356,000 for corporate buildings, land and property, &c., but excluding a loan expenditure of £2,115,000 in Manchester for the Ship Canal.

(5) The charge for main roads (except in county boroughs) is excluded here, being included under the head of highway expenditure, above.

(6) This is the total expenditure of school boards, including expenditure out of Parliamentary grants, school fees, &c. The amount of school board rates levied in 1882-83 (exclusive of London) was £1,236,000, while the Parliamentary grants amounted to £653,000, and the school fees, &c. to £415,000.

(7) Parliamentary grants amounted (excluding London) to £1,770,000 ; rates, £2,017,000 ; school fees, &c., £76,000.

(8) Including establishment charges.

(9) Not stated.

(10) Including £12,000 expended by Bridge and Ferry Trustees, £5,000 by Commissioners of Markets and Fairs, £6,000 for church rates, outside London.

TABLE F.

ANALYSIS OF GOVERNMENT CONTRIBUTIONS TO LOCAL GOVERNMENT PURPOSES
IN THE YEARS 1886-87 AND 1891-92 (LONDON INCLUDED).

	1886-87 £	1891-92 £
To Poor Law Authorities	661,000	1,000
To County Authorities	613,000 ⁽¹⁾	39,000 ⁽²⁾
To Municipal Authorities	454,000 ⁽³⁾	20,000
To Urban and Rural Sanitary Authorities	164,000 ⁽⁴⁾	1,000
To Rural Highway Authorities (Main Roads)	152,000	—
To Metropolitan Police	732,000	196,000
To Lunatic Asylum Committees (Criminal Lunatics)	—	3,000
To School Boards	1,180,000	2,310,000 ⁽⁵⁾
	3,976,000 ⁽⁶⁾	2,570,000
Add receipts from Exchequer Contribution Accounts	—	5,861,000 ⁽⁷⁾
Add contribution from Local Taxation Account for Police Pension Funds and Metropolitan Police	—	1,022,000 ⁽⁸⁾
Total £	3,976,000 ⁽⁹⁾	9,453,000 ⁽⁹⁾

(1) Including £10,000 for the London Fire Brigade, £450,000 for police, £106,000 for prosecution, &c. of prisoners.

(2) Including £15,000 for industrial schools, £9,000 for conveyance of prisoners, and £10,000 for the London Fire Brigade; but excluding £10,000 received by the London County Council from the Postmaster-General for the Coldbath Fields Prison site.

(3) Including £412,000 for borough police, and £40,000 for prosecutions, conveyance and maintenance of prisoners.

(4) Including £74,000 for salaries of medical officers of health and inspectors of nuisances, and £83,000 for urban main roads.

(5) Year ending 29th September, 1892. The grant for this year was £800,000 in excess of that for the preceding year, owing to the new "fee grant" under the Elementary Education Act, 1891. Sums amounting to £16,000 were granted to school boards for technical education.

(6) The total amount of Treasury subventions in the following year (1887-88) rose to £4,268,000, and in 1888-89 to £4,791,000.

(7) The amount actually received during the year into the various exchequer contribution accounts of county and county borough councils out of the local taxation account was £5,312,000. The amount remaining in the exchequer contribution accounts at the end of the year was upwards of a million pounds. For the distribution of the £5,861,000, see next page.

(8) These contributions are paid to county and borough councils and to the Metropolitan Police Commissioners, under the Local Government Act, 1888, and the Local Taxation (Customs and Excise) Act, 1890, without passing through the exchequer contribution accounts.

(9) In addition to these amounts about £175,000 in 1886-87 and about £190,000 in 1891-92 was paid in lieu of rates on Government property. In 1893-94 this payment rose to £207,000.

TABLE G.

DISTRIBUTION OF SUMS BY COUNTY AND COUNTY BOROUGH COUNCILS OUT OF EXCHEQUER CONTRIBUTION ACCOUNTS, 1891-92.

To Boards of Guardians:	£
Union officers' grant (1888, c. 41, s. 26)	1,045,000
Pauper lunatics	484,000
Registrars of births and deaths	10,000
Remuneration of teachers in poor law schools	33,000
Medical officers and appliances in London	35,000
School fees for pauper children	3,600
To County Councils:	
Technical and (in Wales) intermediate education	607,000
Police	475,000
Pauper lunatics	9,000
General county account under 1888, c. 41, s. 23 (2) (iv.)	1,959,000
Special county accounts under 1888, c. 41, s. 23 (4) & (6)	45,000
Other purposes	1,000
To County Borough Councils:	
Technical education	157,000
Police	395,000
Pauper lunatics	6,000
Salaries of medical officers and inspectors of nuisances	6,000
In aid of rates	407,000
To Town Councils and Urban Sanitary Authorities:	
Technical education	37,000
Police	74,000
Salaries of medical officers and inspectors of nuisances	27,000
In aid of rates under 1888, c. 41, s. 23 (3) & (6)	1,000
To Rural and Port Sanitary Authorities:	
Salaries of medical officers and inspectors of nuisances	44,000
To London Vestries and District Boards:	
Salaries of medical officers	1,000
	<u>£5,861,000</u>

INDEX OF PARLIAMENTARY PAPERS AND DEBATES.

A.—The most important Reports and Returns bearing on the subject of Local Government are the following :—

1. Commissioners' Report on Poor Laws, 1834.
2. Municipal Corporations Commission, first report, 1835.
3. Report of Poor Law Commissioners on Local Taxation, 1843.
4. Duke of Buccleuch's Commission, 1844 (Large Towns and Populous Districts).
5. S. C. of H. of C. on County Finance, 1868.
6. Sanitary Commissions, Reports, 1868—72 (Sir C. Adderley).
7. S. C. of H. of C. on Local Taxation, 1870 (Mr. Goschen).
8. Mr. Goschen's Report on Local Taxation, 1870.
9. S. C. of H. of C. on Parish and Union Boundaries, 1873 (Mr. Stansfeld).
10. S. C. of H. of L. on Highways, 1881 (Duke of Somerset).
11. Mr. H. H. Fowler's Report on Local Taxation, 1893.
12. Annual Reports of Local Government Board.
13. Annual Abstracts of Local Taxation Returns.
14. County Treasurers' Accounts.
15. Municipal Borough Accounts.

B.—The following are the dates of some of the most important debates on Local Government since 1869 :—

- | | | |
|---------------------------|--|--|
| 1870. Feb. 18 ; April 25. | Mr. Goschen's Bill. | Poor Relief: Metropolis. |
| „ 21. | Mr. Goschen. | Motion for S. C. on Local Taxation. |
| 1871. „ 28. | Sir M. Lopes. | Motion : Local Burdens. |
| April 3. | Mr. Goschen. | Rating, &c. Bills. |
| May 5. | Mr. W. H. Smith. | Poor Law: Metropolis. |
| 1872. Feb. 16 ; April 5. | Mr. Stansfeld's Public Health Bill. | |
| April 16. | Sir M. Lopes. | Motion : Local Burdens. |
| 1873. May 12. | Mr. Stansfeld. | Motion for S. C. on Boundaries, &c. |
| 1876. Feb. 12. | Mr. Slater-Booth's Valuation Bill. | |
| July 5. | Mr. Slater-Booth's Public Works Loans Bill. | |
| 1877. Mar. 9. | Mr. Clare Read's Resolution for County Boards. | |
| 1878. Jan. 28. | } Mr. Slater-Booth's County Government Bill. | |
| Feb. 18. | | |
| Mar. 7. | | |
| April 4, 12. | „ „ | Public Works Loans Bill. |
| June 14, 17. | „ „ | Valuation of Property Bill. |
| 1879. Mar. 18. | „ „ | County Boards Bill. |
| Aug. 9. | „ „ | Public Works Loans Bill. |
| 1880. Feb. 28 | „ „ | Valuation of Property Bill. |
| 1881. Mar. 28. | Mr. Harcourt. | Motion : Maintenance of Main Roads. |
| May 23. | Mr. Pell. | Motion for annual Statement of Local Taxation and Expenditure. |
| 1882. Feb. 21. | Mr. Paget. | Motion on Local Taxation. |
| 1883. April 17. | Mr. Pell. | Motion on Local Taxation. |
| 1884. Mar. 28. | „ „ | „ |

1885. May 7. Sir M. Lopes. Grant for registration of Voters.
June 8. Sir M. H. Beach. Customs and Inland Revenue Bill: Local Charges for National Services.
1886. Mar. 23. Mr. Thorold Rogers and Sir R. Paget. Motion: Incidence of Local Taxation.
1887. Aug. 29. Mr. Ritchie's Bill. Local Government Boundaries Commission.
1888. Mar. 19. Mr. Ritchie. Introduction of Local Government Bill.
July 3. Grant in aid of Indoor Paupers.
July 18. Mr. Channing. Division of Rates between Owners and Occupiers.
1891. Mar. 13. Mr. J. Stuart. Taxation of Ground Values.
April 14. Mr. Arthur Acland. Parish Councils.
1893. Mar. 21. Mr. H. H. Fowler. Introduction of Local Government Bill.

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(See note at p. xxii.)

N.B.—*These References are to the Revised Edition of the Statutes.*

The figure (2) denotes a second session in the same year.

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1530.—22 Hen. VIII.	1814.—54 Geo. III.	1858.—21 & 22 Vict.
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	1819.—59 Geo. III.	1861.—24 & 25 Vict.
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1741.—14 Geo. II.	1838.—1 & 2 Vict.	1877.—40 & 41 Vict.
1744.—17 Geo. II.	1839.—2 & 3 Vict.	1878.—41 & 42 Vict.
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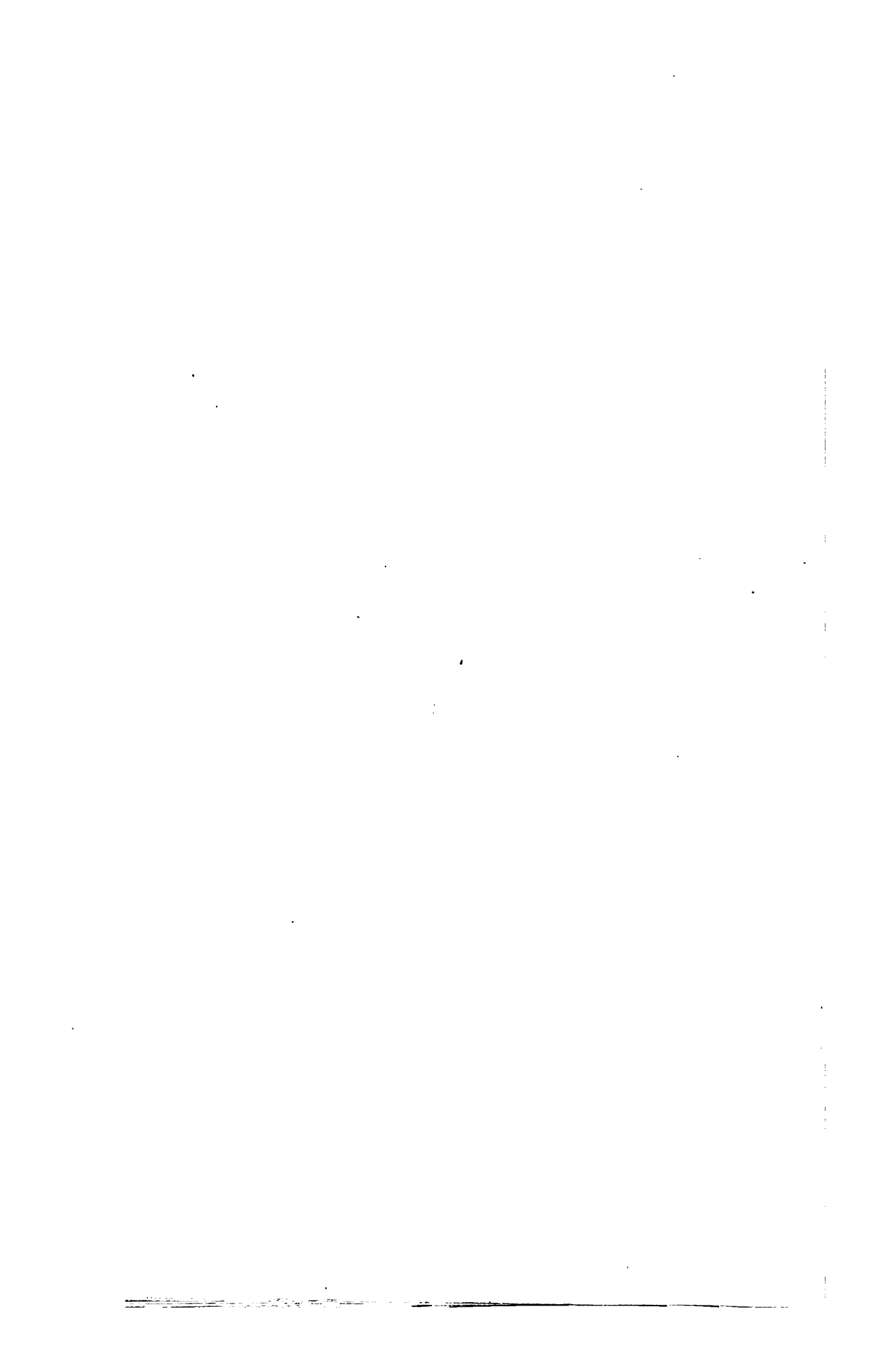
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